

**Title 10
SOLID WASTE**

Chapters:

- 10.04 King County Solid Waste Code**
- 10.08 Solid Waste Sites**
- 10.10 Disposal Sites - Hours and Types of Waste Accepted**
- 10.12 Solid Waste Site Disposal Fee**
- 10.14 Waste Reduction - Recycling and Recovery**
- 10.16 Recycled Product Procurement Policy**
- 10.18 Collection of Household Recyclables and Yard Waste in
Unincorporated King County**
- 10.20 Commission for Marketing Recyclable Materials**
- 10.22 Policy Direction for Development of the King County Comprehensive
Solid Waste Management Plan**
- 10.24 Solid Waste Management Plan**
- 10.28 Solid Waste Advisory Committee**
- 10.30 Construction, Demolition, and Land Clearing Waste**

Chapter 10.04
KING COUNTY SOLID WASTE CODE

Sections:

- 10.04.010 Title of chapter.
- 10.04.020 Definitions.
- 10.04.030 Keeping and use of solid waste containers.
- 10.04.040 Construction, maintenance and placement of solid waste containers.
- 10.04.060 Separation of solid waste.
- 10.04.070 Removal or storage of swill.
- 10.04.080 Littering and unlawful dumping.

10.04.010 Title of chapter. This chapter shall be known as the "King County Solid Waste Code," and is necessary for the preservation and protection of public health, welfare and safety. The terms, provisions, rules and regulations incorporated herein shall be liberally construed for the aforementioned purpose. (Ord. 8891 § 2, 1989).

10.04.020 Definitions. The following definitions shall apply in the interpretation and enforcement of this title:

A. "Agricultural wastes" means non-dangerous wastes on farms resulting from the production of agricultural products including but not limited to manures and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

B. "Asbestos-containing waste material" means any waste that contains asbestos. This term includes, but is not limited to, asbestos waste from control devices, contaminated clothing, asbestos waste material, materials used to enclose the work area during an asbestos project, and bags or containers that previously contained asbestos.

C. "Ashes" means the residue including any air pollution control equipment flue dusts from combustion or incineration of material including solid wastes.

D. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable solid waste containers.

E. "CDL" means construction, demolition and land clearing waste as defined in this chapter.

F. "CDL receiving facility" means any properly licensed or permitted facility that is designated by the county as the facility to which non-recyclable CDL waste, including residual CDL waste, is required to be delivered pursuant to King County Code.

G. "CDL recycling facility" means any properly licensed or permitted facility at which materials are removed from mixed CDL waste for the purpose of reuse or remanufacture.

H. "CDL waste" means construction, demolition and land clearing waste as defined in this chapter.

I. "Certified hauler or certificated hauler" means any person engaged in the business of solid waste handling having a certificate granted by the Washington Utilities and Transportation Commission for that purpose.

J. "Charitable organization" means any organization which meets the following criteria: must be defined by the Internal Revenue Service as a 501(c)3 charitable organization; must be engaged as a primary form of business in the processing of abandoned goods for resale or reuse; and must have an account with the solid waste division.

K. "Clean mud and dirt" means mud and dirt that meet the soil cleanup standards of the Washington Administrative Code (WAC) 173-340-740 and WAC 173-340-745 as currently enacted and as hereafter amended.

L. "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this chapter.

M. "Clean wood" means stumps and branches over four inches in diameter and construction lumber free of paint, preservatives, metals, concrete, and other non-wood additives or attachments.

N. "Clean wood collection area" means an area used by county residents, businesses and institutions to deposit source separated clean wood.

O. "Commercial hauler" means any person, firm or corporation including but not limited to "certified hauler," as defined herein, collecting or transporting solid waste for hire or consideration.

P. "Compacted waste" means any solid waste whose volume is less than in the loose condition as a result of compression.

Q. "Construction, demolition, and land clearing (CDL) waste" means any recyclable or non-recyclable waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures, or from land clearing for development, and requires removal from the site of construction, demolition or land clearing. Except where otherwise expressly provided, "CDL waste" or "county CDL waste" means CDL waste generated in the county jurisdiction. CDL waste includes, but is not limited to, the following listed materials:

1. "Construction waste" includes wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, and other building material; and plastics, styrofoam, twine, baling and strapping materials, cans, buckets, and other packaging materials and containers. It also includes sand, rocks and dirt that are used in construction and that do not meet the definitions of clean mud and dirt or unacceptable waste.

2. "Demolition waste" includes concrete, asphalt, wood, masonry, roofing, siding, structural metal, wire, insulation, and other materials found in demolished buildings, roads, and other structures. It also includes sand, rocks and dirt that result from demolition and that do not meet the definitions of clean mud and dirt or unacceptable waste.

3. "Land clearing waste" includes natural vegetation and minerals such as stumps, brush, blackberry vines, tree branches, associated dirt and sand, tree bark, sod and rocks.

CDL waste does not include clean mud and dirt, contaminated soil, asbestos-containing waste material containing more than one percent of asbestos by weight, unacceptable waste, or any other solid waste which does not meet the definition of CDL waste.

R. "Contaminated soil" is any soil that does not meet the soil cleanup standards of the Washington Administrative Code as currently enacted and as hereafter amended.

S. "Controlled solid waste" means all solid waste generated, collected or disposed within the unincorporated areas of King County and all solid waste generated, collected or disposed within any other jurisdiction with which a solid waste interlocal agreement, as defined herein, exists.

T. "County jurisdiction" means the geographic area for which King County government has comprehensive planning authority for solid waste management by law and/or by interlocal agreement.

U. "Dangerous wastes" means any solid waste designated as dangerous waste by the Washington State Department of Ecology under WAC 173-303.

V. "Designated interlocal forum" means a group of representatives of unincorporated King County and of incorporated cities and towns within King County designated by the council of King County and by interlocal agreement with the cities in King County to discuss solid waste issues and facilitate regional interlocal cooperation in solid waste management.

W . "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

X. "Disposal facility" is a disposal site or interim solid waste handling facility. This includes, but is not limited to, transfer stations included as part of the county disposal system, landfills, incinerators, composting plants, and facilities for the recycling or recovery of resources from solid wastes or the conversion of the energy from such wastes to more useful forms or combinations thereof.

Y. "Disposal site" means a site or sites approved by the council of King County where any final treatment, utilization, processing or disposition of solid waste occurs.

Z. "Disposal system" means the system of disposal facilities, rules and procedures established pursuant to this title.

AA. "Drop box facility" means a facility used for the placement of a detachable solid waste container, i.e., drop boxes, including the area adjacent for necessary entrance and exit roads, unloading, and turnaround areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site. Drop box facilities may also include containers for separated recyclables.

BB. "Division" means the solid waste division of the King County public works department.

CC. "Energy resource recovery" means the recovery of energy in a usable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above 1200 degrees Fahrenheit) processing.

DD. "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill, and carcasses of dead animals and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

EE. "Hazardous wastes" means and includes, but is not limited to explosives, medical wastes, radioactive wastes, pesticides and chemicals which are potentially harmful to the public health or the environment. Unless otherwise defined by the King County board of health, such waste shall have the meaning as defined by the Washington State Department of Ecology and the Washington Administrative Code.

FF. "Hazardous waste management plan" means a plan for managing moderate risk wastes, pursuant to RCW 70.105.220.

GG. "Health department" means the Seattle-King County health department.

HH. "Health officer" means the King County director of public health, or his authorized agent.

II. "Industrial solid wastes" means waste by-products from manufacturing and fabricating operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under Chapter 173-303 WAC.

JJ. "Interim solid waste handling facility" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final disposal site. Transfer stations, drop boxes, baling and compaction sites, source separation centers, intermediate processing facilities, mixed waste processing facilities and treatment facilities are considered interim solid waste handling sites.

KK. "Intermediate processing facility" means any facility that sorts mixed recyclables from source separation programs to divide them into individual component recyclable materials or to process them for marketing.

LL. "King County Solid Waste Advisory Committee" means the committee formed pursuant to King County Ordinance 6862 and RCW Chapter 70.95 to advise the county on solid waste management planning, assist in the development of programs and policies concerning solid waste management, and review and comment on the plan and other proposed solid waste management rules, policies or ordinance prior to adoption.

MM. "Landfill" means a disposal site or part of a site at which waste is placed in or on land and which is not a landspreading disposal facility.

NN. "Landspreading disposal facility" means a facility that applies sludge or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

OO. "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

PP. "Littering" means to accumulate, or place, throw, deposit, put into or in any land or water or otherwise dispose of refuse including rubbish, ashes, garbage, dead animals, industrial refuse, commercial waste and all other waste material of every kind and description in any manner except as authorized by this chapter.

QQ. "Manager" means the manager of the solid waste division of the department of public works of King County.

RR. "Medical waste" means all waste so defined by the King County board of health rules and regulations.

SS. "Mixed CDL waste" means CDL waste containing both recyclable and non-recyclable CDL waste material that has not been separated.

TT. "Mixed municipal solid waste" means waste consisting of solid waste generated by residences, stores, offices, and other generators of wastes that are not industrial, agricultural, or CDL wastes.

UU. "Mixed waste processing" means sorting of solid waste after collection from the point of generation in order to remove recyclables from the solid waste to be disposed.

VV. "Mobile yard waste facility" means a yard waste facility requiring no above-grade construction and established on a temporary basis. For the purposes of Section 10.12.020, a mobile yard waste facility shall be considered to be a disposal site without scales.

WW. "Moderate risk waste" means:

1. any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under RCW Chapter 70.105 solely because the waste is generated in quantities below the threshold for regulation, and

2. any household wastes which are generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

XX. "Multi-family structure" means any residential structure designed exclusively for occupancy by two or more families living independently of each other receiving solid waste collection service as an entire structure or complex and the structure or complex is billed for solid waste collection service as a whole and not by individual dwelling units.

YY. "Noncommercial user" means any person not engaged in the business of solid waste handling.

ZZ. "Non-recyclable CDL waste" means any CDL waste that is not recyclable CDL Waste.

AAA. "Operating hours" means those times during which disposal facilities are normally open and available for the delivery of solid wastes.

BBB. "Person" means any individual, association, firm, corporation, partnership, political subdivision, municipality, government agency, industry, public or private corporation, or any other entity.

(King County 9-93)

CCC. "Plan" means the coordinated comprehensive solid waste management plan for the county as required by RCW Chapter 70.95.

DDD. "Problem wastes" means:

1. soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or

2. dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by the Federal Clean Water Act.

EEE. "Procurement policy" means the development and implementation of a policy which achieves the purchase of products made from recycled and/or recyclable goods.

FFF. "Receivers" means persons who will reuse recyclables and to whom source separated recyclables for which a market does not presently exist can be delivered at little or no cost in order to avoid landfilling the materials pending development of economic markets.

GGG. "Reclamation site" means a location used for the processing or the storage of recycled waste.

HHH. "Recyclable CDL waste" means CDL waste material that can be kept out of or recovered from CDL waste and reused or transformed into a reusable product. Recyclable CDL waste may consist of a single type of recyclable material or a mixture of two or more types of recyclable material. Material used to produce hog fuel is recyclable CDL waste.

III. "Recyclables" means any material that can be kept out of or recovered from solid waste and the resources therein be transformed and/or reused including, but not limited to, mixed paper, newsprint, cardboard, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food and yard debris), ferrous metal, and inorganics (rubble and inert material).

JJJ. "Recycling" means either source separation or the processing of solid waste mechanically or by hand to segregate materials for sale or reuse. Materials which can be removed through recycling include but are not limited to mixed paper, newsprint, cardboard, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food and yard debris), ferrous metal, and inorganics (rubble and inert material). Recycling does not include combustion of solid waste or preparation of a fuel from solid waste.

KKK. "Refuse" means garbage, rubbish, ashes, swill and all other putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences.

LLL. "Regional approach" means the development and implementation of a solid waste management program in cooperation with municipalities in King County and with other counties within the Puget Sound area.

MMM. "Regional direct" means any solid waste generated and collected in King County and transported to Cedar Hills disposal site by conventional long haul transfer vehicles from solid waste transfer stations or intermediate processing facilities permitted by Seattle-King County Health Department as provided for in K.C.C. 10.08.090 and the Board of Health's regulations.

NNN. "Regulated refrigerant" means a class I or class II substance as listed in Title VI of the Federal Clean Air Act Amendments of 1990.

OOO. "Residual CDL waste" means the non-recyclable waste remaining after recycling processes have removed recyclable waste.

PPP. "Reuse" means the return of a commodity into the economic stream for use.

QQQ. "Rubbish" means all nonputrescible wastes from all public and private establishments and from all residences.

RRR. "Secured load" means a load of solid waste which has been secured or covered in the vehicle in a manner that will prevent any part of the solid waste from leaving the vehicle while the vehicle is moving.

SSS. "Self-hauler" means all vehicles that are neither passenger licensed vehicles nor vehicles used by solid waste collection entities in their solid waste collection operations that are engaged in transporting wastes to disposal facilities.

TTT. "Single family dwelling" means any residential unit receiving solid waste collection service as an individual unit and the dwelling is billed for solid waste collection service as an individual dwelling.

UUU. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, woodwaste, dangerous waste, and problem wastes. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

VVV. "Solid waste collection entity" means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation including all certified haulers, or any city using its own employees, or any company operating pursuant to a contract with or franchise from a city performing solid waste collection services within the city.

WWW. "Solid waste interlocal agreement" means an agreement between a city and the county for use of the King County disposal system for solid waste generated or collected within the city.

XXX. "Solid waste management" means the systematic administration of activities which provide for the reduction in generated volume, source separation, collection, storage, transportation, transfer, recycling, processing, treatment and disposal of solid waste. This includes public education and marketing activities.

YYY. "Source separation" means the process of separating recyclable materials from material which will become solid waste at its source.

ZZZ. "Suspect waste" means any waste the manager suspects may be unauthorized waste.

AAAA. "Swill" means every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, except coffee grounds.

BBBB. "Trailer waste area" means a dedicated area where disposal vehicles shall utilize for hosing their containers, truck beds, and trailers following tipping of wastes.

CCCC. "Transfer station" means a staffed, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a permanent disposal site. It may also include recycling facilities.

DDDD. "Unacceptable waste" means any material for which the transportation or disposal would constitute a violation of any governmental requirement pertaining to health, safety, or the environment.

Such material may include, but is not limited to, hazardous, extremely hazardous or dangerous waste as designated under Washington State or federal law, including but not limited to regulations contained in the Washington Administrative Code, now in effect or hereafter amended, or in the code of Federal regulations, now in effect or hereafter amended.

EEEE. "Unauthorized waste" means waste which is waste not acceptable for disposal at any or a specific disposal facility according to applicable rules and regulations or a determination of the manager.

FFFF. "Uncompacted waste" means any solid waste in an uncompressed or loose condition.

GGGG. "Unincorporated service area" means a geographical area of unincorporated King County designated to receive solid waste, recyclables, and yard waste collection services.

HHHH. "Unsecured load" means a load on a vehicle that is not securely fastened and protected by safety chains or other fastening devices, covered, tied down or otherwise secured so as to prevent the material from spilling, escaping, or being deposited outside the vehicle while vehicle is in motion.

IIII. "Waste reduction" means reducing the amount or type of waste generated.

JJJJ. "White goods" means major appliances, including refrigerators, freezers, heat pumps, air conditioners, stoves, ranges, dishwashers, washers, dryers, trash compactors, dehumidifiers, and other appliances specified by the manager.

KKKK. "White goods collection area" means an area used by county residents to deposit source separated white goods.

LLLL. "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product resulting from the handling and processing of wood, including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of wood, stumps, limbs and any other material composed largely of wood which has no significant commercial value at the time in question, (but shall not include slash developed from logging operations unless disposed of on a different site), and does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

MMMM. "Yard waste" means a compostable organic material generated in yards or gardens, including but not limited to, leaves, grass, branches, prunings, and clippings of woody and fleshy plants and unflocked Christmas trees, but shall not include rocks, dirt or sod, concrete, asphalt, bricks, land clearing wastes, demolition wastes, woodwaste or food waste.

NNNN. "Yard waste collection area" means an area used by county residents, businesses, and institutions to deposit source separated yard waste. (Ord. 12217 § 1, 1996: Ord. 11196 § 1, 1994: Ord. 10984 § 1, 1993: Ord. 10942 § 1, 1993: Ord. 10916 § 2, 1993: Ord. 10018 § 1, 1991: Ord. 9928 § 1, 1991: Ord. 9599, 1990: Ord. 9484 § 1, 1990: Ord. 9271 § 16, 1989: Ord. 8891 § 3, 1989).

10.04.030 Keeping and use of solid waste containers. Each person in possession, charge or control of any dwelling, flat, roominghouse, apartment house, hospital, school, hotel, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment, or any place where garbage, refuse or swill is created or accumulated shall at all times, keep or cause to be kept portable solid waste containers, for the deposit therein of garbage and refuse, and to deposit, or cause to be deposited the same therein. (Ord. 8891 § 4, 1989).

10.04.040 - 10.04.080

10.04.040 Construction, maintenance and placement of solid waste containers. Solid waste containers shall be constructed in such a manner as to be strong, watertight, not easily corroded, rodent proof, insect proof, and shall have adequate handles, and tight fitting lids. Such containers shall be kept in a sanitary condition with the outside thereof clean and free from accumulative grease and decomposing material. Each container shall be kept in a place accessible to the collector of garbage and refuse on scheduled collection days. The standards for receptacles for separated recyclables may be established to meet the requirements of the applicable recycling programs. (Ord. 8891 § 5, 1989; Res. 8778 § 5, 1943).

10.04.060 Separation of solid waste. The county may by ordinance require the separation of paper, yard and garden waste or other component parts of solid waste and may require the deposit thereof in separate cans or receptacles and may prescribe the methods of handling thereof. (Ord. 8891 § 6, 1989).

10.04.070 Removal or storage of swill. Swill may be eliminated by use or may be sold by the person producing the same or may be removed by persons; provided they receive the approval of the health officer, and that the removal or storage of the swill is carried out according to good sanitary practice. (Ord. 8891 § 7, 1989).

10.04.080 Littering and unlawful dumping. A. It is unlawful to place, throw, deposit or otherwise dispose of refuse other than in a receptacle provided for that purpose, in any public place, public road, public park, on any private property or in the waters within King County, except as specifically authorized by this title or at the official solid waste disposal facilities provided therefor by King County.

B. It is unlawful for the owners or occupants of private property to deposit or accumulate, or to permit the deposit or accumulation of refuse upon such private property; provided, however, that this shall not prohibit the storage of garbage, rubbish, or recyclable materials in public or private receptacles, or in solid waste containers or other approved receptacle, or in securely tied bundles when such receptacles or bundles are for immediate or approved periodic disposal; provided, further:

1. the use of a compost pile or bin shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent the attraction, breeding and/or harboring of insects and rodents;

2. nor shall any recycling operation be affected if it is operating in accordance with all applicable rules, regulations, laws or other permit requirements. Any such use permitted hereunder shall not be construed to permit a nuisance as defined by state law.

C. Hauling restrictions. It is unlawful for any person, firm or corporation to haul refuse, garbage, rubbish, dead animals, ashes, or any other waste material of the kind defined in this chapter on the highways and roads in King County unless such materials are properly stored, covered and otherwise secured so as to prevent spillage or littering. (WAC 173.304.200). (Ord. 8891 § 8, 1989).

(King County 6-96)

**Chapter 10.08
SOLID WASTE SITES¹**

Sections:

- 10.08.020 System of disposal.
- 10.08.030 Acquisition of solid waste disposal facilities.
- 10.08.040 Operation of solid waste disposal facilities by county.
- 10.08.050 Use of county disposal facilities.
- 10.08.060 Establishment and operation of solid waste disposal.
- 10.08.070 Exempt operations.
- 10.08.080 Recycling.
- 10.08.090 Solid waste disposal site permit - regulations.
- 10.08.100 Enforcement.
- 10.08.110 Penalties.
- 10.08.120 Severability.
- 10.08.130 Interlocal agreements.
- 10.08.140 Reporting.

10.08.020 System of disposal. A. Under the authority provided by the King County Home Rule Charter and RCW 36.58.040, a system is hereby established for disposal of all solid waste generated and/or disposed in unincorporated King County. Additionally this system shall include all solid waste generated and/or collected in any other jurisdictions with which an interlocal agreement exists pursuant to K.C.C. 10.08.130.

B. Disposal in King County. It is unlawful for any person to dispose of controlled solid waste except at disposal sites and in a manner authorized by King County.

C. Disposal outside King County. Unless specifically permitted by state law or specifically authorized by King County ordinance, it is unlawful for any commercial hauler or other person or entity to deliver or deposit any controlled solid waste outside the borders of King County unless it is authorized by the adopted King County comprehensive solid waste management plan. (Ord. 8891 § 13, 1989; Ord. 7708 § 1, 1986).

¹. [For statutory provisions regarding garbage disposal sites, see RCW 36.58.]

10.08.030 Acquisition of solid waste disposal facilities. The county may acquire by purchase, lease, contract with private parties or other necessary means, disposal facilities which are needed for disposal of solid waste generated and collected in King County and other jurisdictions with which an interlocal agreement exists, pursuant to K.C.C. 10.08.130. Selection of such disposal facilities shall be consistent with the King County Comprehensive Plan and all federal, state, and local requirements, including, but not limited to, comprehensive land use planning, fire protection, water quality, air quality, and the consideration of esthetics. To the extent practicable, solid waste disposal facilities shall be located in a manner which equalizes their distribution around the county, so that no single area of the county will be required to absorb an undue share of the impact from these facilities. More than one alternative must be considered and evaluated in the siting of planned solid waste disposal facilities. The county may acquire disposal facilities on a continuing basis, as is required by the volume of solid waste generated and collected within the county. (Ord. 8891 § 9, 1989: Ord. 8069, 1987: Ord. 7708 § 1, 1986).

10.08.040 Operation of solid waste disposal facilities by county. The division shall be the operating authority for all solid waste disposal facilities owned or operated by King County. Nothing herein shall prohibit the county by ordinance from contracting with another entity, public or private, to own, construct and/or operate a disposal facility. The council of King County shall establish by ordinance the hours of operation of disposal facilities, disposal fees charged, and types of waste for which each facility is intended. The manager shall prepare operating regulations for solid waste disposal facilities, which shall govern all other matters necessary to assure compliance with federal, state and local regulations applicable to such facilities. The county reserves the right to provide in said operating rules that certain solid wastes, such as bulky wastes, problem wastes and wood waste, based on source, type or volume, shall not be accepted, or only conditionally accepted, at facilities owned or operated only by the county. The operating rules for such facilities shall be consistent with this chapter and no less stringent than regulations promulgated by the board of health. (Ord. 8891 § 10, 1989: Ord. 7708 § 1, 1986).

10.08.050 Use of county disposal facilities. A. Dangerous and hazardous waste. Under no circumstances shall any person deliver to any King County solid waste disposal facility for disposal any waste that is defined as "hazardous waste" per the Federal Resource Conservation and Recovery Act, 42 USC §6901-6991i, or rules or regulations thereunder, or defined as "extremely hazardous wastes" or "dangerous wastes" per Chapter 70.105 RCW or rules or regulations thereunder except:

1. in those specific cases where the county has expressly authorized the place, time, type and manner of the delivery of such waste after full disclosure; or
2. at a time and place expressly specified for dangerous and hazardous waste collection.

B. No person shall deliver any waste to any King County disposal facility which has not been handled and treated in the manner required by applicable operating regulations adopted by the division and the King County board of health rules and regulations.

C. Notwithstanding any other provision of this chapter, no municipal corporation or agent thereof or any commercial hauler shall deposit in any King County solid waste disposal facility solid waste generated or collected within the boundaries of a jurisdiction which has not entered into a written use agreement with King County unless otherwise authorized use through special rate class established by ordinance.* (Ord. 8946, 1989: Ord. 8891 § 11, 1989: Ord. 8613 § 3, 1988: Ord. 7891 § 1, 1986: Ord. 7708 § 1, 1986).

10.08.060 Establishment and operation of solid waste disposal. Pursuant to Chapter 70.95 RCW, no disposal facility in King County, whether acquired publicly or privately, shall be established, altered, expanded, improved, operated or maintained without prior compliance with the following:

A. The disposal facility and proposed method of operation shall be consistent with the King County comprehensive solid waste management plan and shall be approved by the health department; and

B. The disposal facility shall be constructed, operated and maintained in accord with terms of permit from the health department and such other permits as are required by law.

C. All other federal, state and local laws, ordinances and regulations shall be met.

D. In addition to other requirements imposed by laws, all recycling drop box facilities shall display the name, address, and telephone number of the owner/operator in an easily identified place and the type of material to be accepted. These facilities shall be regularly collected and/or emptied so the material contents do not overflow. (Ord. 9580, 1990: Ord. 8891 § 12, 1989: Ord. 7708 § 1, 1986).

10.08.070 Exempt operations. A. Any solid waste operation herein exempt from obtaining a permit under this chapter must be established, maintained, managed and/or operated in compliance with all other requirements of local, state or federal health rules. Any exception allowed in this chapter shall have no effect on requirements of other laws, ordinances, or regulations.

B. The following solid waste disposal operations or facilities are hereby exempted from obtaining a permit under this chapter to be established, maintained, managed or operated:

1. Dumping or depositing solid waste generated by a single family or household produced incidental to routine household activities onto or under the surface of the ground owned or leased by that family or household.

2. Wrecking automobiles and parts thereof including storage and handling facilities.

3. Depositing less than 2,000 cubic yards of soil, rock, gravel, broken concrete, and similar inert wastes onto the surface of the ground whereby such depositing is to be temporary in nature, graded, and otherwise worked to fill an existing depression or low area of ground.

C. Depositing agricultural solid waste onto or under the surface of the ground when said waste is being utilized primarily for fertilizer or a soil conditioner, or is being deposited on ground owned or leased by the person responsible for the production of said waste; as long as depositing such waste does not create a nuisance.

D. Depositing sewage and/or sewage sludge onto or under the surface of the ground at a disposal site which has otherwise been issued a permit by a local, state or federal agency to be operated, maintained or managed for that purpose.

*Ordinance No. 8613 which amended Section 10.08.050 has an effective date of September 15, 1988.

(King County 9-90)

E. Depositing hazardous waste onto or under the surface of the ground at a disposal site which has otherwise been issued a permit by a local, state or federal agency to be operated, maintained, or managed for this purpose. (Ord. 8891 11, 1989: Ord. 7708 § 1, 1986).

10.08.080 Recycling. A goal for King County's solid waste management shall be to achieve maximum feasible reduction of solid waste going to landfills and to other processing facilities, conservation of energy and natural resources, and environmental protection. The division shall develop plans and incentives for waste reduction through source separation, recycling, packaging changes, and other methods deemed effective by the division. Reclamation sites for recycling operations shall be designated as part of the county's disposal system and shall be subject to permit requirements of the health department. (Ord. 7708 § 1, 1986).

10.08.090 Solid waste disposal site permit - regulations. The board of health shall adopt regulations governing the establishment, alteration, expansion, improvement, operation and maintenance of all solid waste disposal sites. Such regulations shall set procedures, standards and conditions for the issuance of solid waste disposal site permits designed to assure that disposal sites and facilities are located, maintained and operated in a manner so as to properly protect the public health, prevent air and water pollution, and avoid the creation of nuisances. Such regulations shall be consistent with, but may be more stringent than, the minimum functional standards adopted by the Washington State Department of Ecology (WAC 173-304). (Ord. 7708 § 1, 1986).

10.08.100 Enforcement. The director of the Seattle-King County department of public health is authorized and responsible to enforce or seek the enforcement through the prosecutor's office of K.C.C. 10.04.030, 10.04.040, 10.04.070, 10.04.080, 10.08.060, 10.08.070-.090, and any rules and regulations promulgated thereunder pursuant to but not restricted to the enforcement and penalty provisions of Title 23.

The manager is authorized and responsible to seek the enforcement through the prosecutor's office of K.C.C. 10.08.040, 10.08.050 C. and K.C.C. 10.08.020 and any rules and regulations promulgated thereunder pursuant to but not restricted to the enforcement and penalty provisions of Title 23.

Both the director of the department of public health and the manager are authorized and responsible for enforcement of K.C.C. 10.04.060, 10.08.050 A and 10.08.050 B. and any rules and regulations promulgated thereunder pursuant to but not restricted to the enforcement and penalty provisions of Title 23. (Ord. 8891 § 14, 1989: Ord. 7708 § 1, 1986).

10.08.110 Penalties. Any person, firm or corporation which violates or refuses to or fails to comply with any of the provisions of this chapter or regulations promulgated hereunder and orders issued pursuant hereto or who files or supplies any false incomplete or inaccurate information in conjunction with any permit application or permit renewal or in supplying any other information requested by this chapter shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than 90 days or by fine in the amount fixed by the court of not more than \$1,000 or both such imprisonment and fine. In addition, enforcement and penalty provisions of K.C.C. Title 23 shall be applicable to any violation of this chapter or regulations promulgated hereunder. Nothing contained herein shall be construed to exempt an offender from any other suit, prosecution or penalty provided in the King County Code or by other laws. (Ord. 7708 § 1, 1986).

10.08.120 Severability. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. (Ord. 7708 § 1, 1986).

10.08.130 Interlocal agreements. A. By October 1, 1986, the division shall request each city in the county to provide to the division by December 31, 1986, written notification of its intent to use county disposal facilities. Any city which does intend to use county disposal facilities shall enter into an interlocal agreement with the county by June 30, 1988. Any city failing to notify the division by December 31, 1986 of its intent to use county disposal sites or failing to enter into an interlocal agreement with the county by June 30, 1988 shall be prohibited from disposing its solid waste at any county disposal site until or unless specifically so authorized by King County ordinance.

B. These interlocal agreements shall provide for cities to designate by ordinance the county disposal system for disposal of all solid waste generated within their corporate limits and shall grant to the county the authority to designate specific sites for the disposal of solid waste generated within their corporate limits. Nothing in these contracts shall prevent any city from implementing programs to achieve maximum recycling of waste. All rates shall be as established by King County ordinance. (Ord. 8365 § 1, 1987; Ord. 7708 § 2, 1986).

10.08.140 Reporting. Effective July 1, 1991, all solid waste collection entities shall provide information to the manager on their usage of King County solid waste facilities.

A. No later than 15 days after the end of each month, solid waste collection entities shall report the amount of residential and commercial tonnage hauled to each King County solid waste facility, and identify the cities, towns or unincorporated service areas from which each ton of waste hauled by them originated.

B. Once each year, no later than March 31, solid waste collection entities shall submit an annual tonnage forecast which estimates the total amount of residential and commercial tonnage and the number of residential and commercial accounts by city, town or unincorporated service area for the current year.

C. All information shall be reported on forms provided by the county.

D. Any significant changes in patterns of usage of King County solid waste facilities shall be reported to the manager 30 days in advance of the change. (Ord. 10018 § 4, 1991).

(King County 9-91)

Chapter 10.10
DISPOSAL SITES - HOURS AND TYPES OF WASTE ACCEPTED

Sections:

- 10.10.020 Operating hours.
- 10.10.030 Types of waste accepted.
- 10.10.040 Effective date.

10.10.020 Operating hours. Operating hours at King County solid waste disposal facilities shall be as follows:

A. Transfer stations shall be open from 8:00 a.m. to 5:30 p.m. Sundays through Saturdays. The Factoria transfer station shall be open from 6:15 a.m. to 11:30 p.m. Monday through Friday and 8:00 a.m. to 5:30 p.m. Saturday and Sunday.

1. Yard waste collection areas shall be located at the following transfer stations and shall be open at the hours here specified:

Factoria transfer station....5:30 p.m. to 11:30 p.m. Monday through Friday

Enumclaw transfer station....8:00 a.m. to 5:30 p.m. Sunday through Saturday.

2. White goods collection areas shall be located at the following transfer stations and shall be open at the hours here specified:

Enumclaw transfer station....8:00 a.m. to 5:30 p.m. Sunday through Saturday.

Vashon transfer station....8:00 a.m. to 5:30 p.m. Sunday through Saturday.

3. Clean wood collection areas shall be located at the following transfer stations and shall be open at the hours here specified:

Enumclaw transfer station....8:00 a.m. to 5:30 p.m. Sunday through Saturday.

B. The Cedar Hills landfill shall be open from 6:00 a.m. to 4:30 p.m. Mondays through Fridays, 6:30 a.m. to 4:30 p.m. Saturdays and Sundays. Cedar Hills shall not be open for use by the general public.

C. All King County solid waste disposal facilities shall be closed on Thanksgiving Day, Christmas Day and New Years Day.

D. King County drop boxes shall be open from 8:00 a.m. to 5:00 p.m., seven days per week during Pacific Standard Time and from 9:00 a.m. to 6:00 p.m., seven days per week during Pacific Daylight Time.

E. Operating hours, dates of operation, and sites for mobile yard waste facilities shall be determined and publicized by the manager. (Ord. 13622 § 1, 1999: Ord. 13550 § 1, 1999: Ord. 10984 § 2, 1993: Ord. 9484 § 2, 1990: Ord. 8156, 1987: Ord. 8108 § 3, 1987).

10.10.030 Types of waste accepted. Types of waste accepted at King County solid waste disposal facilities shall be limited to the following:

A. Cedar Hills landfill shall accept mixed municipal solid waste from transfer stations and other sources in King County, and demolition waste in small quantities incidental to jurisdictional activities.

B. Transfer stations shall accept mixed municipal solid waste, demolition waste in small quantities incidental to jurisdictional activities and of a size and density capable of being handled by transfer station equipment, and waste from the general public, businesses and route collection vehicles collecting waste in King County.

C. Drop box facilities shall accept mixed municipal solid waste in loads not to exceed either five cubic yards or one ton, or both.

D. Yard waste collection areas located at county transfer shall accept source separated yard waste from county residents, businesses and institutions.

E. Mobile yard waste facilities shall accept source separated residential yard waste from noncommercial users in loads not to exceed either five cubic yards or one ton, or both.

F. White goods collection areas located at county transfer shall accept source separated white goods from county residents.

G. Clean wood collection areas located at county transfer stations shall accept source separated clean wood from county residents, businesses and institutions.

H. Other wastes, such as industrial waste, semisolid, or liquid waste, and asbestos containing waste material, may be accepted at sites as designated and approved by the manager.

I. Acceptance of any suspect waste may be denied pending the health officer's approval. (Ord. 13550 § 2, 1999: Ord. 10984 § 3, 1993: Ord. 9484 § 3, 1990: Ord. 8108 § 4, 1987).

10.10.040 Effective date. This chapter shall take effect on July 1, 1987. (Ord. 8108 § 1, 1987).

(King County 9-99)

Chapter 10.12
SOLID WASTE SITE DISPOSAL FEES

Sections:

- 10.12.020 Fees for use of disposal sites.
- 10.12.021 Fees for use of disposal sites beginning January 1, 1999.
- 10.12.022 City of Seattle withdrawal.
- 10.12.025 Landfill management.
- 10.12.030 Collection of fees.
- 10.12.040 Unsecured load fee.
- 10.12.050 Exception to service fee.
- 10.12.055 Other fees.
- 10.12.060 Enforcement.

10.12.020 Fees for use of disposal sites. Effective April 1, 1997 and continuing through December 31, 1998. All persons using county-operated solid waste disposal facilities shall pay the service fees set forth in the following schedules:

- A. Service fees for the use of disposal sites with scales, excluding Cedar Hills, shall be:
 - 1. Solid waste disposal:

Passenger cars	\$11.55 per entry
Other vehicles	74.25 per ton
Charitable organizations	53.25 per ton
Minimum charge	11.55 per vehicle
Charitable organizations, minimum charge	8.41 per entry
Use of trailer wash area	1.00 per token
 - 2. Deposit of source separated yard waste at yard waste collection areas and deposit of clean wood at clean wood collection areas:

Passenger cars	\$10.75 per entry
Other vehicles	68.00 per ton
Minimum charge	10.75 per vehicle
 - 3. Deposit of white goods at white goods collection areas:

White goods without regulated refrigerants	\$10.00 per unit
White goods with regulated refrigerants	24.00 per unit
- B. Service fees for the use of disposal sites without scales shall be based upon the cubic yard or fraction thereof as follows:
 - 1. Solid waste disposal:

Passenger cars	\$11.55 per entry
Other vehicles	
Compacted wastes	21.20 per cubic yard
Uncompacted wastes	12.27 per cubic yard
Minimum charge	11.55 per vehicle
 - 2. Deposit of source separated yard waste at yard waste collection areas:

Passenger cars	10.75 per entry
Other vehicles	
Compacted wastes	19.50 per cubic yard
Uncompacted wastes	11.25 per cubic yard
Minimum charge	10.75 per vehicle
- C. Service fees at the Cedar Hills Landfill shall be:

Cedar Hills Regional Direct	\$51.25 per ton
Other vehicles	74.25 per ton

Disposal by other vehicles is at the discretion of the solid waste manager.

(King County 9-97)

D. A moderate risk waste surcharge shall be added to all solid waste disposed by non-solid waste collection entities using county-operated disposal facilities. The fee schedule is as follows:

1. For sites with scales:	
Self-haulers	\$ 2.61 per ton
Minimum charge	1.00 per entry
Passenger cars	1.00 per entry
2. For sites without scales:	
Compacted76 per
cubic yard	
Uncompacted44 per
cubic yard	
Minimum charge.....	1.00 per
entry	
Passenger cars.....	1.00 per entry

E. Special waste fee shall be charged for special waste including infectious waste treated and handled pursuant to King County Board of Health Code 10.28.070, asbestos-containing waste material, bulky waste, problem wastes, and other additional wastes requiring clearances pursuant to the King County Board of Health Code Title 10 or pursuant to rules promulgated by the department.

Special waste fee	\$120.00
Minimum charge.....	18.82

F. In the absence of exact weights or measurements, the estimate of the manager shall be binding upon the user.

G. Special Service Fee. Solid waste generated and/or collected within the boundaries of a jurisdiction which has not entered into an agreement with King County for use of King County solid waste disposal facilities as provided by this chapter may only be disposed of in a King County facility upon payment of a special service fee of 3 times the applicable per ton rate for facilities with scales and 3 times the applicable cubic yard rate for compacted or uncompacted wastes for facilities without scales. Payment of the special service fee in this subsection shall be in lieu of payment of the fees in subsections A-E. Nothing in this subsection authorizes the use of King County facilities by any municipal corporation or agent thereof or any commercial hauler for disposal of solid waste generated and/or collected outside King County. (Ord. 12564 § 1, 1996: Ord. 11677 § 1, 1995: Ord. 10984 § 4, 1993: Ord. 10068 § 1, 1991: Ord. 10018 § 2, 1991: Ord. 9484 § 4, 1990: Ord. 9271 § 2, 1989: Ord. 8613 §§ 1, 4, 1988: Ord. 7748 § 3, 1986: Ord. 7012 § 3, 1984: Ord. 6177 § 2, 1982).

10.12.021 Fees for use of disposal sites beginning January 1, 1999. Effective January 1, 1999, all persons using county-operated solid waste disposal facilities shall pay the service fees set forth in the following schedules:

A. Service fees for the use of disposal sites with scales, excluding Cedar Hills, shall be:	
1. Solid waste disposal:	
Passenger cars	\$13.72 per entry
Other vehicles	82.50 per ton
Charitable organizations	63.50 per ton
Minimum	13.72 per
vehicle	
Charitable organizations, minimum charge	10.58 per entry
Use of trailer wash area	1.00 per token
2. Deposit of source separated yard waste at yard waste collection areas and deposit of clean wood at clean wood collection areas:	
Passenger cars	12.75 per entry
Other vehicles	75.00 per ton
Minimum charge	12.75 per
vehicle	

(King County 9-97)

3. Deposit of white goods at white goods collection areas:
 White goods without regulated refrigerants 10.00 per unit
 White goods with regulated refrigerants 24.00 per unit
- B. Service fees for the use of disposal sites without scales shall be based upon the cubic yard or fraction thereof as follows:
1. Solid waste disposal:
- | | |
|----------------------|-------------------|
| Passenger cars | \$13.72 per entry |
| Other vehicles | |
| Compacted | 23.86 per |
| cubic yard | |
| Uncompacted | 13.72 per |
| cubic yard | |
| Minimum charge | 13.72 per |
| vehicle | |
2. Deposit of source separated yard waste at yard waste collection areas:
- | | |
|--------------------------|-----------------|
| Passenger cars | 12.75 per entry |
| Other vehicles | |
| Compacted wastes | 21.50 per cubic |
| yard | |
| Uncompacted wastes | 12.75 per cubic |
| yard | |
| Minimum charge | 12.75 per |
| vehicle | |
- C. Service fees at the Cedar Hills Landfill shall be:
- | | |
|-----------------------------------|---------------|
| Cedar Hills Regional Direct | 59.50 per ton |
| Other vehicles | 82.50 per ton |
- Disposal by other vehicles is at the discretion of the solid waste manager.
- D. A moderate risk waste surcharge shall be added to all solid waste disposed by non-solid waste collection entities using county operated disposal facilities. The fee schedule is as follows:
1. For sites with scales:
- | | |
|----------------------|-----------------|
| Self-haulers | \$ 2.61 per ton |
| Minimum charge | 1.00 per |
| entry | |
| Passenger cars | 1.00 per entry |
2. For sites without scales:
- | | |
|---------------------|----------------|
| Compacted | .76 per |
| cubic yard | |
| Uncompacted | .44 per |
| cubic yard | |
| Minimum charge..... | 1.00 per |
| entry | |
| Passenger cars..... | 1.00 per entry |
- E. Special waste fee shall be charged for special waste including infectious waste treated and handled pursuant to King County Board of Health Code 10.28.070, asbestos-containing waste material, bulky waste, problem wastes, and other additional wastes requiring clearances pursuant to the King County Board of Health Code Title 10 or pursuant to rules promulgated by the department.
- | | |
|-------------------------|----------|
| Special waste fee | \$132.00 |
| Minimum charge..... | 22.20 |
- F. In the absence of exact weights or measurements, the estimate of the manager shall be binding upon the user.
- G. Special Service Fee. Solid waste generated and/or collected within the boundaries of a jurisdiction which has not entered into an agreement with King County for use of King County solid waste disposal facilities as provided by this chapter may only be disposed of in a King County facility upon payment of a special service fee of 3 times the applicable per ton rate for facilities with scales and 3 times the applicable cubic yard rate for compacted or uncompacted wastes for facilities without scales. Payment of the special service fee in this subsection shall be in lieu of payment of the fees in subsections A-E. Nothing in this subsection authorizes the use of King County facilities by any municipal

corporation or agent thereof or any commercial hauler for disposal of solid waste generated and/or collected outside King County. (Ord. 12564 § 2, 1996).

(King County 9-97)

10.12.022 City of Seattle withdrawal. In the event that the City of Seattle withdraws from the King County solid waste system prior to December 31, 1992, the King County solid waste division shall prepare disposal fee recommendations for consideration by the King County council. Such disposal fee recommendations shall be for a three year period commencing with the date of the City of Seattle's withdrawal. (Ord. 9271 § 14, 1989).

10.12.025 Landfill management.* Included in the rate structure listed in K.C.C. 10.12.020 of this chapter is a \$9.95 per ton charge that shall be collected for each ton of solid waste handled in the King County solid waste system which shall be reserved to provide for the management, replacement and/or reclamation of King County operated landfills in accordance with K.C.C. 4.08.045. (Ord. 12564 § 3, 1996: Ord. 11657 § 2, 1995: Ord. 10649 § 1, 1992: Ord. 9271 § 6, 1989: Ord. 7748 § 4, 1986: Ord. 6177 § 4, 1982).

10.12.030 Collection of fees. A. All service fees collected pursuant to this chapter shall be collected in cash by site cashiers at the time of use; provided, that the manager of the King County solid waste division, department of public works may authorize a commercial or noncommercial user to be billed monthly for all solid waste delivered to the transfer stations and/or final disposal sites.

B. The solid waste manager is authorized to adjust any solid waste service fee for purposes of minimizing cash holding requirements at solid waste facilities. The adjustment to the calculated fee shall not exceed twenty-five cents nor shall it have a significant impact on the revenue collected in the proposed rate period.

C. Authorization of a commercial or noncommercial user's monthly billing shall result only from a request in advance for such service by the commercial or noncommercial user subject to the following provisions:

1. No authorization shall be granted without the posting of an irrevocable payment bond secured by the commercial or noncommercial user in the name of the solid waste division and in an amount which is equal to the larger amount of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes or \$3,500. Within 30 days of determining that the posted irrevocable payment bond is insufficient the manager shall give notice that a bond increase is required, except that no bond increase should be required if the change is less than \$1,000 and the commercial or noncommercial user's payments have not been delinquent in the preceding twelve months.

2. In the absence of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes, the irrevocable payment bond will be the greater of the commercial or noncommercial user of three months of user charges or \$3,500.

3. The manager, having given notice to a commercial or noncommercial monthly billing user that their bond is inadequate based on actual usage, may suspend use privileges for a commercial or noncommercial user who fails to tender an increased bond within thirty days of notice.

4. The manager shall, upon request, relieve a commercial user certified pursuant to chapter 81.77 RCW of the requirement for an irrevocable payment bond if it has not been delinquent in the preceding 12 months. If a monthly bill becomes delinquent by five days, the user shall post within thirty days of the delinquency an irrevocable bond equal to the larger of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes or \$3,500.

* See K.C.C. 4.08.045 for Landfill Reserve Fund.

(King County 9-97)

5. The manager shall waive the irrevocable payment bond for the following governmental noncommercial users: A municipal corporation, governmental department, agency or commission or political subdivision when he approves its monthly billing request.

D. All invoiced fees shall be received, payable to King County, finance division, in monthly installments on or before the twenty-fifth day following the billing date as listed on the invoice. A late payment penalty equal to one and one-half percent of the delinquent unpaid balance compounded monthly, shall be assessed on the delinquent unpaid balance of those nongovernmental commercial and noncommercial accounts in arrears. The manager, having given seven days' notice, may suspend use privileges for a commercial or noncommercial user who fails to tender payment by the end of the billing month. Any invoiced fee or other service fee which remains unpaid ninety days after its due date may be remitted to a collection service agency which will exercise their best, prudent and lawful efforts to secure collection. An administrative fee of fifteen dollars will be added to all such unpaid account totals. This fee will be in addition to any late payment penalty or fee imposed by county ordinance.

E. Effective July 1, 1991, users not having charging privileges and unable to pay disposal charges assessed at the disposal facility shall be issued a one-time payment invoice of dumping fees charged plus a handling fee of \$10.00. Payment on this invoice shall be due within 7 days of issue and late payment penalties shall be charged consistent with subsection D above.

F. A noncommercial user may be authorized by the manager to be billed monthly for all solid waste delivered to the transfer stations and for final disposal sites; provided, that such noncommercial user is either: (1) a municipal corporation, governmental department, agency or commission or political subdivision; or (2) a person whose monthly service charges exceed one hundred dollars.

G. Persons authorized for monthly billings shall receive one or more identification badges for the purpose of crediting charges. A fee of twenty-five dollars shall be charged the person to replace a lost or damaged card. No fee will be charged for replacement due to normal wear. (Ord. 12564 § 4, 1996: Ord. 10906, 1993: Ord. 10018 § 3, 1991: Ord. 9271 § 13, 1989: Ord. 7012 § 4, 1984: Ord. 6461, 1983: Ord. 2304 § 1, 1975: Ord. 1985 § 2, 1974: Ord. 900 (part), 1971: Ord. 800 § 3, 1971).

10.12.040 Unsecured load fee. A. Pursuant to Washington State Senate House Bill 1100 [Ed. Note: RCW 70.93.097], a fee shall be charged to all vehicles with unsecured loads arriving at any staffed public or private transfer station or landfill in the jurisdiction of King County. The operator of the vehicle containing the unsecured load, unless exempted by the provision of subsection B of this section, shall be required to pay a fee. Effective July 1, 1994, the unsecured load fee shall be:

Passenger licensed vehicles	\$ 3.00
Trucks	
- less than or equal to 8000 pounds licensed gross vehicle weight	5.00
- greater than 8000 pounds licensed gross vehicle weight	10.00

B. A vehicle transporting sand, dirt or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to this section.

C. The fee collected under subsection A of this section shall be deposited, no less often than quarterly, in the King County solid waste division's operating fund. (Ord. 11196 § 2, 1994).

10.12.050 Exception to service fee. Payment of the service fee may not be required of a user in the following circumstances:

A. When that user is engaged in a community litter clean-up campaign; provided, that prior authorization has been secured in writing from the manager; and provided, that records of use and volumes shall be maintained for such.

B. When the executive or the council has declared that a natural disaster or other emergency has occurred and as a result deems it in the best interest of the county to waive the service fees. Any such action must identify the cause of the emergency, the length of the fee waiver and any special conditions placed on the waiver. If such action is taken by the executive and the executive proposes that the waiver continue beyond the date of the next regularly scheduled council meeting, the executive must report to the council by the time of that meeting the estimated loss of revenue resulting from the fee waiver and the council must approve the continuation of the waiver by motion. If the council initiates the fee waiver, it must do so by motion, on which the executive has had a reasonable opportunity to comment. (Ord. 10963 § 1, 1993: Ord. 7012 § 6, 1984: Ord. 800 § 5, 1971).

10.12.055 Other fees. A. Persons shall be charged a handling fee of fifteen dollars for each check returned due to non-sufficient funds.

B. Persons lacking cash at the time of disposal shall be billed for the amount due. A one dollar charge for handling and processing shall be added to the original fee. (Ord. 8539 § 2, 1988: Ord. 7012 § 7, 1984).

10.12.060 Enforcement. The director of the department of public works is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 3 (part), 1976: Ord. 800 (part), 1971).

(King County 9-97)

Chapter 10.14
WASTE REDUCTION - RECYCLING AND RECOVERY

Sections:

- 10.14.020 County goals.
- 10.14.040 Development of recovery facilities.
- 10.14.050 County intent - reduce and divert waste from landfills.
- 10.14.060 Five-year work program.
- 10.14.070 Budget request.
- 10.14.080 Annual evaluation.

10.14.020 County goals. It is King County's goal to achieve maximum feasible reduction of solid wastes going into its landfills and other processing facilities by diverting as much as possible from the waste stream. It is recognized that waste reduction and recycling are the highest priority of the viable solid waste management options, and the county hereby adopts this policy which will be aggressively pursued. (Ord. 7786 § 2, 1986).

10.14.040 Development of recovery facilities. The county policy in the development of future energy recovery facilities shall complement its waste reduction program. The county shall take its waste reduction and recycling goals and objectives into account in determining the size of any energy recovery facilities. Waste reduction shall have first priority, and energy recovery second priority, as a means of reducing the amount of solid waste disposed in landfills. (Ord. 7786 § 5, 1986).

10.14.050 County intent - Reduce and divert waste from landfills. It is the intent of King County to fulfill the following objectives in order to reach its goal to reduce and divert waste from landfills.

A. Adopt an aggressive and regional approach to finding solutions to solid waste problems by working cooperatively with other cities and counties whenever it is appropriate.

B. Provide technical assistance and support to municipalities within King County who are interested in developing waste reduction and recycling programs.

C. Educate and encourage citizens, businesses, and institutions to reduce, reuse, source separate, and recycle solid waste.

D. Encourage volunteer participation through outreach and coordination of waste reduction and recycling efforts.

E. Encourage the private sector to increase recycling, such as collection, processing and marketing of recyclables.

F. Implement an in-house King County recycling and waste reduction program, including the adoption of a procurement policy for county purchase of recycled products by June 1987, and other actions to encourage recycling and waste reduction by county government.

G. Encourage the development of markets for and encourage use of recyclables.

H. Annually project the amounts of waste being diverted from county landfills. (Ord. 7786 § 3, 1986).

10.14.060 Five-year work program. King County shall adopt a five-year work program which will serve as a guide for the development of a three-phase plan relating to governmental, private/business and public citizen actions which will implement King County's solid waste reduction and recycling program.

- A. Phase I shall focus on government, emphasizing the following programs:
 - 1. developing a regional plan for waste reduction and recycling;
 - 2. evaluating rate structures that provide incentives for waste reduction and recycling by municipalities, businesses, and individuals;
 - 3. developing a system to quantify waste diverted from county landfills as a result of King County's waste reduction efforts;
 - 4. providing technical assistance to municipal public officials on waste reduction program development and implementation;
 - 5. organizing local/municipal recycling action committees (a coalition of citizens, businesses and government officials) to plan and develop community waste reduction and recycling programs;
 - 6. developing and implementing a procurement policy for recycled products in King County;
 - 7. setting an example for the public by reducing, reusing, and recycling waste in county and municipal government.
- B. Phase II shall focus on business to develop the physical capacity to collect, process and sell recyclables. Programs in this phase include:
 - 1. working with nonrecycling business and industry to reduce and recycle wastes;
 - 2. encouraging recycling businesses to expand existing waste reduction and recycling services;
 - 3. stimulating the development of new businesses to recycle parts of the waste stream that are not currently being recycled;
 - 4. developing markets for recyclables by using direct marketing approaches to encourage consumption of recycled goods.
- C. Phase III shall focus on the public to mobilize participation. Programs in this phase include:
 - 1. developing a public education program using mass media and direct marketing to encourage widespread participation;
 - 2. developing and implementing waste reduction, including composting and recycling collection programs. (Ord. 7786 § 4, 1986).

10.14.070 Budget request. The executive shall annually prepare a budget request from the solid waste operating fund to support the five-year work program described in Section 10.14.060 of this chapter. The 1987 budget shall include resources for development of the work program and the 1988 and subsequent budgets shall include resources for implementing the work program. (Ord. 7786 § 6, 1986).

10.14.080 Annual evaluation. It is the council's intent to evaluate annually, in September of each year, the effectiveness of the waste recycling and reduction program in a programmatic and quantitative manner, to ensure the program is responsive and is meeting the solid waste management needs of the people of King County. The division shall submit to the council by September 1, of each year an annual report of its progress toward the goal of maximum feasible reduction of waste going to the landfills and other processing facilities. This report shall include annual projections of the amounts diverted from landfills and shall describe progress toward the work program outline in Section 10.14.060 of this chapter. (Ord. 7786 § 7, 1986).

(King County 3-94)

Chapter 10.16
RECYCLED PRODUCT PROCUREMENT POLICY

Sections:

- 10.16.010 Purpose.
- 10.16.020 Policies.
- 10.16.030 Definitions.
- 10.16.040 Designated products and recycled designated products.
- 10.16.050 Requirements for purchasing contracts.
- 10.16.060 Rules and regulations for procurement of paper and paper products.
- 10.16.070 Rules and regulations for procurement of building insulation products.
- 10.16.080 Rules and regulations for procurement of cement or cement concrete.
- 10.16.090 Rules and regulations for procurement of lubricating oil.
- 10.16.100 Rules and regulations for procurement of tires.
- 10.16.110 Rules, regulations and procedures for designation and procurement of recycled plastic products, compost, and other recycled designated products.
- 10.16.120 Procurement of recycled products.
- 10.16.130 Disposable food and beverage containers.
- 10.16.140 Capital improvement projects and construction contracts.
- 10.16.150 Annual report.
- 10.16.160 Responsibilities and reporting requirements of departments.
- 10.16.170 Responsibilities of the solid waste division.
- 10.16.180 Responsibilities of the purchasing agency.
- 10.16.190 Exemptions.
- 10.16.200 Effective date.
- 10.16.210 Severability.

10.16.010 Purpose. This chapter shall be known as the "King County Recycled Product Procurement Policy." Its purpose is to promote market development of recycled products and recyclable products by establishing preferential purchase programs applicable to county departments and contractors, thereby diverting materials from the solid waste stream. (Ord. 9240 § 1, 1989).

10.16.020 Policies. A. All departments shall whenever practicable use recycled products and recyclable products to meet their needs.

B. The county shall whenever practicable require its contractors and consultants to use recycled products and recyclable products in fulfilling contractual obligations to the county.

C. In procuring designated products pursuant to this chapter, the county shall require recovered material and/or post-consumer material content to be factors in determining the lowest responsive and responsible bid in any competitive bidding procurement process initiated pursuant to state and county law.

D. The county shall promote the use of recycled products and recyclable products by publicizing its procurement program and by disseminating information about recycled products. (Ord. 9240 § 2, 1989).

10.16.030 Definitions. The following terms shall have the assigned definitions for all purposes under this chapter:

A. "Building insulation" means a material, primarily designed to resist heat flow, which is installed between the conditioned volume of a building and adjacent unconditioned volumes or the outside. This term includes but is not limited to insulation products such as blanket, board, spray-in-place, and loose-fill that are used as ceiling, floor, foundation, and wall insulation.

B. "Cement" means a powder-like manufactured mineral product, often referred to as "Portland cement," used in the manufacture of cement concrete.

C. "Cement concrete" means concrete which contains cement.

D. "Cement with fly ash or cement concrete with fly ash" means cement or cement concrete containing any amount of fly ash.

E. "Contractor" means any person, group of persons, consultant, designing architect, association, partnership, corporation, or other type of business entity which has a contract with King County (including suppliers) or which serves in a subcontracting capacity with an entity having a contract with King County for the provision of goods and/or services.

F. "Departments"* shall refer to any department as defined by King County ordinance or other applicable law and shall include all county agencies not associated with a department, the King County prosecuting attorney, the King County assessor, and the King County council.

G. "Designated products" means all products that have been or may be identified pursuant to Section 10.16.040 of this chapter as products that can be procured with significant levels of recovered materials.

H. "Designing architect" means any architect or engineer performing architectural or engineering services for the county in connection with a county construction project and who is chiefly responsible for the project's design.

I. "Director" means the director of the department of executive administration or the director's designee.

J. "End use" means an intended final use of a product by a consumer which will not result in additional value being added to the product.

K. "Fly ash" means the component of coal which results from the combustion of coal and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

L. "Lubricating oils" means engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

M. "Minimum content standards" means standards set by the county specifying the minimum level of recovered material and/or post-consumer material necessary for designated products to qualify as recycled products.

N. "Mixed municipal solid waste" means waste consisting of solid waste generated by residences, stores, offices, and other generators of wastes that are not industrial, agricultural, or demolition wastes.

O. "Paper and paper products" means all items manufactured from paper or paperboard.

P. "Post-consumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition.

Q. "Post-consumer paper material" means:

1. Paper, paperboard and fibrous wastes including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage from places like retail stores, office buildings and homes after the point at which they have passed through their end use as consumer items; and

* See K.C.C. 2.16 for department names.

(King County 12-89)

2. All paper, paperboard and fibrous wastes that enter and are collected as mixed municipal solid waste.

R. "Purchasing contract" means any contract which is awarded by the county for the purchase of tangible goods.

S. "Recovered material" means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

T. "Recovered paper material" means paper waste generated after the completion of a papermaking process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

U. "Recyclable product" means a product which, after its intended end use, can demonstrably and economically be diverted from the King County solid waste stream for use as a raw material in the manufacture of another product.

V. "Recycled designated product" means a product designated in or pursuant to Section 10.16.040 of this chapter that meets or surpasses (1) county minimum content standards, and (2) all other criteria for qualification as specified in this chapter.

W. "Retread tire" means a worn automobile, truck, or other motor vehicle tire, excluding airplane tires, whose tread has been replaced.

X. "Reusable product" means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

Y. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, woodwaste, dangerous waste, and problem wastes. This includes all public, private, industrial, commercial mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

Z. "User department" means a department that purchases any amount of a given designated product, except when the department has made no purchase within the current or preceding calendar year. (Ord. 9240 § 3, 1989).

10.16.040 Designated products and recycled designated products. For all purposes of this chapter, the products listed in this section or added pursuant to it are designated as products that can be readily procured with significant levels of recovered materials. Designated products shall qualify as recycled designated products if they meet minimum content standards established in this chapter.

Designated products shall include:

- A. Paper and paper products.
- B. Cement concrete.
- C. Lubricating oil.
- D. Tires.
- E. Building insulation products.
- F. Other products, including plastic and compost products, designated on a case-by-case basis as specified in this chapter. (Ord. 9240 § 4, 1989).

10.16.050 Requirements for purchasing contracts. A. Invitations to bid issued by the county after March 31, 1990, for the purchase of designated products shall contain no terms, requirements or specifications prohibiting or discouraging post-consumer or recovered material content, unless a user department provides the director or his designee with satisfactory evidence that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards.

B. In determining the lowest responsive and responsible bid for the purchase of designated products pursuant to invitations to bid issued after the effective date of Ordinance 9830 (March 18, 1991), the director or his designee shall use the procedures and evaluation criteria specified in this chapter. If a bidder, in response to any such invitation, offers to supply the county with one or more recycled designated products, or recyclable products pursuant to K.C.C. 10.16.120, the purchasing agency shall reduce the actual bid amount for each such product by the applicable percentage factor as specified in this chapter. The reduced bid amount for each such product shall be used only for purposes of determining the lowest responsive and responsible bid pursuant to this chapter and K.C.C. 4.18. The actual amount bid shall in all cases be the contracted amount. However, nothing contained in this chapter shall preclude user departments from requiring post-consumer or recovered material content as a specification in invitations to bid for any products.

C. Each contractor supplying the county with recycled designated products pursuant to an invitation to bid process initiated after March 31, 1990 shall provide certification acceptable to the county from all product manufacturers that the products being supplied meet or surpass county minimum content standards and shall agree to reasonable verification procedures specified by the director or the director's designee. (Ord. 9830 § 1, 1991: Ord. 9240 § 5, 1989).

10.16.060 Rules and regulations for procurement of paper and paper products. A. King County's recycled paper procurement goal for user departments (expressed as a percentage of the total volume of paper purchased) shall be:

1. Not less than ten percent by 1990;
2. Not less than thirty percent by 1992;
3. Not less than sixty percent by 1995.

Each department shall be responsible for making its best effort to meet or surpass these goals.

B. The solid waste division manager and the director, or their designees, shall jointly adopt minimum content standards for recycled paper products by January 31, 1990. The minimum content standards shall, at a minimum, be consistent with standards promulgated by the United States Environmental Protection Agency and found in 40 CFR Part 250.21, unless the solid waste division manager and the director, or their designees, determine that a different standard would significantly increase recycled product availability or competition or would increase recycled content without adversely affecting availability.

(King County 3-91)

C. The director or his designee shall use a percentage factor of fifteen percent in the process of determining the lowest responsive and responsible bidder for paper and paper products, except for paper to be used for county letterhead.

D. All imprinted letterhead paper and business cards used by county departments shall be recycled paper.

E. Departments shall publicize the county's use of recycled paper by printing the words "Printed on Recycled Paper" and a recycling logo as specified by the solid waste division on all letterhead paper and on the title page of all reports printed on recycled paper.

F. To reduce the volume of paper purchased, departments shall use both sides of paper sheets whenever practicable.

G. Requests for proposal or qualifications issued by the county after the effective date of Ordinance 9830 (March 18, 1991) shall require all proposed contractors or consultants submitting proposals to agree to the following as a precondition to contract award:

1. All reports submitted to the county by a contractor in fulfillment of contract obligations, excluding invoices and routine correspondence, shall use recycled paper when it is available at a reasonable price. For purposes of this paragraph, the price of recycled paper shall be considered "reasonable" if its cost is no more than 15% higher than the lowest price offered for non-recycled paper.

2. Reports submitted to the county by contractors shall use both sides of paper sheets whenever practicable.

3. Contractors who submit over ten reams of printed or copied materials to the county in any given month shall keep records of paper purchased for the county's purposes and shall justify to the county any use of non-recycled paper. Contractors shall submit such records to the county according to procedures to be established jointly by the solid waste division and the purchasing agency by the effective date of Ordinance 9830 (March 18, 1991). Contractors shall be responsible for maintaining and submitting these records for all of their subcontractors. (Ord. 9830 § 2, 1991; Ord. 9240 § 6, 1989).

10.16.070 Rules and regulations for procurement of building insulation products. A. The solid waste division manager and the director, or their designees, shall jointly adopt minimum content standards for recycled building insulation products by January 31, 1990. The minimum content standards shall, at a minimum, be consistent with standards promulgated by the United States Environmental Protection Agency, and found in 40 CFR Part 248.21, unless the solid waste division manager and the director or their designees determine that a different standard would significantly increase recycled product availability or competition.

B. All designing architects shall include as a design consideration in all bid and construction documents they prepare the county's policy preferring the use of building insulation products containing recovered materials.

C. Designing architects shall select the type of building insulation to be procured and shall whenever practicable procure the type with the highest post-consumer material content.

D. Designing architects shall provide to the county a written statement explaining the architect's selection of building insulation types not on the county's minimum content standards list.

E. The purchasing agency shall provide departments with listings of vendors of building insulation products that meet the county's minimum content standards.

F. If the selected type of insulation is available in products that meet minimum content standards, these standards shall be included in bid solicitations for construction work.

G. Prospective suppliers of insulation products for use in county funded projects shall provide the county with estimates of the percentage of recovered material of each building insulation product to be supplied.

H. If minimum content standards for insulation have been included in bid specifications, suppliers shall certify, prior to delivery or installation, that the building insulation products provided meet or exceed these standards.

I. Departments administering contracts in which building insulation is procured shall maintain records on the amount of each type of insulation purchased; the percentage of recovered materials in each; and reasons for not procuring insulation meeting minimum content standards. (Ord. 9830 § 3, 1991; Ord. 9240 § 7, 1989).

10.16.080 Rules and regulations for procurement of cement or cement concrete. A. Cement or cement concrete containing any amount of fly ash shall qualify as a recycled product.

B. Each department that administers construction contracts is responsible for ensuring that all invitations to bid issued by the county after March 31, 1990 contain specifications that allow cement or cement concrete with fly ash as an optional or alternate material for all construction projects.

C. Where cement or cement concrete is purchased by purchase order, contractors shall estimate in signed bid documents the percentage of fly ash by weight, as well as the total weight of fly ash to be supplied.

D. Where cement or cement concrete is purchased as a component of a construction contract, the engineer responsible for the mix design shall maintain records of the percentage of fly ash (as a percentage of total cementitious material) and the total weight of fly ash supplied. (Ord. 9240 § 8, 1989).

10.16.090 Rules and regulations for procurement of lubricating oil. A. Lubricating oil with re-refined oil content shall contain the maximum practicable amount of re-refined oil, but not less than twenty-five percent of total product weight.

B. The director or his designee shall use a percentage factor of ten percent in the process of determining the lowest responsive and responsible bidder for lubricating oil.

C. Each department that purchases lubricating oil is responsible for ensuring that all invitations to bid issued by the county after March 31, 1990 contain specifications that allow lubricating oil with re-refined content. If lubricating oil with re-refined content does not satisfy warranty or performance standards, the affected departments shall submit documentation to the purchasing agency. (Ord. 9240 § 9, 1989).

(King County 3-91)

10.16.100 Rules and regulations for procurement of tires. A. All retread tires shall qualify as recycled products.

B. All departments that purchase replacement tires shall review specifications for tires by March 31, 1990 to ensure that specifications do not discriminate against retread tires. Specifications shall be based upon specific performance requirements, such as mileage warranties or speed ratings.

C. All departments shall procure retreading services for their used tires to the maximum extent practicable before obtaining replacement tires.

D. In response to invitations to bid, bidders shall be required to certify the number of retread tires and the percentage of the total tires to be supplied that will be retread tires. (Ord. 9240 § 10, 1989).

10.16.110 Rules, regulations and procedures for designation and procurement of recycled plastic products, compost, and other recycled designated products.

A. A vendor of a product that contains recovered materials, such as post-consumer plastic or yard waste that are not designated products, may petition the county to qualify the product as a recycled designated product on a case-by-case basis. The vendor shall be responsible for providing sufficient evidence to the county that the product is suitable for its intended end use by the county.

B. The director and the solid waste manager or their designees shall jointly determine on a case-by-case basis the percentage factor to be used by the director or the director's designee in the process of determining the lowest responsive and responsible bidder for products qualifying as recycled products in this section; provided that the percentage factor shall be no higher than ten percent.

C. In determining product qualification and the percentage factor, the solid waste division manager and the director, or their designees, shall jointly develop evaluation criteria, including but not limited to the following: effect on solid waste stream reduction; product performance and quality; information provided by the vendor about product composition, safety or durability; comparative post-consumer material content; and conformance with county, state and federal standards.

D. The solid waste division manager and the director, or their designees, shall solicit the input of departments that are potential users of products under consideration in evaluating product efficacy and performance.

E. Recycled designated products qualified under the terms of this section shall maintain their qualification for a period of three years, at which time qualifications may be reviewed for renewal; provided that the county may revoke qualification at any time if products are found to be unsatisfactory or unsafe, or if the recovered material or post-consumer material content of the products decreases. (Ord. 9240 § 11, 1989).

10.16.120 Procurement of recyclable products. A. A vendor may petition the county to qualify a product as a recyclable product on a case-by-case basis. The vendor shall be responsible for providing all information requested by the county, including evidence that there is an existing market for the product after it has served its intended end use and that it will be diverted from the solid waste stream.

B. The solid waste division manager and the director, or their designees, shall jointly determine on a case-by-case basis the percentage factor to be used by the director or the director's designee in the process of determining the lowest responsive and responsible bidder for products qualifying as recycled products in this section. For recyclable products which are also recycled designated products, the combined percentage factor shall at no time be greater than fifteen percent.

C. In determining product qualification and the percentage factor, the solid waste division manager and the director, or their designees, shall develop evaluation criteria, including but not limited to the following: documented marketability of the recycled material and specific contractual arrangements for collection of materials after they have been used by the county.

D. Recyclable products qualified under the terms of this section shall maintain their qualification for a period of three years, at which time qualifications may be reviewed for renewal; provided that, the county may revoke qualification at any time if the county determines that the products are not in fact recyclable products. (Ord. 9240 § 12, 1989).

10.16.130 Disposable food and beverage containers. A. The county prefers the use of reusable food and beverage containers when practicable.

B. When it is necessary to purchase disposable food and beverage containers, all departments and all concessionaires operating on county property or on property managed by the county shall whenever practicable purchase recyclable products. (Ord. 9240 § 13, 1989).

10.16.140 Capital improvement projects and construction contracts. A. The county's preference for the purchase and use of products containing recovered materials shall be included as a factor in the design development of county capital improvement projects.

B. Where the King County design commission is required to review proposals for the design of a project, the commission shall determine whether the proposals have made a reasonable attempt to include products containing recovered materials.

C. Specifications for materials in construction contracts shall specify or encourage the use of designated recycled products whenever practicable. Specifications shall not prohibit or discriminate against the use of designated recycled products unless the department issuing the contract provides the director or the director's designee with written documentation that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards. (Ord. 9240 § 14, 1989).

10.16.150 Annual report. The solid waste division shall submit to the county council each year in September, beginning in 1990, a report evaluating the procurement program, including the following components:

- A. Quantities of designated products purchased by departments;
- B. Quantities and types of recycled product purchased;
- C. Prices and relative quantities purchased of recycled and non-recycled designated products;
- D. A determination as to whether minimum content standards should be changed or remain the same;
- E. A summary of program promotional efforts;
- F. An assessment of the effectiveness of the procurement program and an evaluation of program goals; and
- G. Recommendations for changes in procurement policy, including designation of additional products. (Ord. 9240 § 15, 1989).

10.16.160 Responsibilities and reporting requirements of departments. All user departments are responsible for:

- A. Purchasing and using recycled products whenever practicable;
- B. Documenting any technical problems that preclude the use of recycled products;
- C. Providing written explanations to the director or the director's designee for not purchasing recycled products;
- D. Conducting comparative tests of the performance of recycled products and non-recycled products, as specified by the solid waste division and the purchasing agency;
- E. Transmitting to contractors, upon their request, recycled product and vendor lists prepared by the purchasing agency and solid waste division;
- F. Collecting information from contractors about their designated product purchases before contract expiration dates, according to procedures established by the solid waste division;
- G. Submitting a report on the purchase of designated products by contractors to the solid waste division by July 31 each year, beginning in 1991;
- H. Informing the purchasing agency of potential uses of recycled products by contractors. (Ord. 9240 § 16, 1989).

10.16.170 Responsibilities of the solid waste division. A. Providing information and technical assistance to local governments, schools, colleges, and other public and private organizations interested in purchasing recycled products;

- B. Assisting departments in resolving problems and complaints concerning recycled product performance or availability;
- C. Preparing press releases and fact sheets publicizing the successes of the program;
- D. Preparing a report evaluating the procurement program to be submitted to the county council each year in September, beginning in 1990; and
- E. Assisting the purchasing agency in fulfilling its responsibilities in connection with this chapter. (Ord. 9240 § 17, 1989).

10.16.180 Responsibilities of the purchasing agency. The purchasing agency is responsible for:

- A. Revising or amending standard bid documents and contract language where necessary to implement this chapter.
- B. Collecting data on purchases by departments of designated products on county purchase orders, to be compiled by the solid waste division;
- C. Preparing bid invitations for recycled products;
- D. Maintaining a directory of recycled products and local vendors;
- E. Disseminating recycled product information to departments;
- F. Assisting the solid waste division in fulfilling its responsibilities in connection with this chapter. (Ord. 9240 § 18, 1989).

10.16.190 Exemptions. Nothing in this chapter shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time. (Ord. 9240 § 19, 1989).

10.16.200 Effective date. The provisions of this chapter shall apply to all county procurement processes, including invitations to bid, and requests for proposals initiated after March 31, 1990. (Ord. 9240 § 20, 1989).

10.16.210 Severability. Should any section, subsection, paragraph, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 9240 § 21, 1989).

CHAPTER 10.18 COLLECTION OF HOUSEHOLD RECYCLABLES AND YARD WASTE IN UNINCORPORATED KING COUNTY

Sections:

- 10.18.010 Minimum levels of residential recyclables collection.
- 10.18.020 Solid waste collection and recycling rates.
- 10.18.030 County notification of WUTC tariff filings.
- 10.18.040 Program promotion and education requirements.
- 10.18.050 Certificated haulers customer service responsibilities.
- 10.18.060 Reporting requirements.
- 10.18.070 County administrative fee.
- 10.18.080 County notification of certificated haulers.
- 10.18.090 Full program implementation.
- 10.18.100 Severability.

10.18.010 Minimum levels of residential recyclables collection. The minimum levels of service and WUTC regulation of certificated haulers, pursuant to RCW 81.77, shall continue for five years from the effective date of Ordinance 9928 (May 30, 1991). The minimum level of service for residential recycling programs in unincorporated service areas of King County, as defined in Attachment B, dated March 30, 1993, to Ordinance 10942*, shall include the following:

- A. Single family recyclables collection.
 - 1. Recyclables collection services shall, at a minimum, be available to all single family dwellings in unincorporated service areas of the county.
 - 2. Participation in these programs shall be voluntary.
 - 3. Materials. The following recyclable materials, at a minimum, shall be collected from single family dwellings.
 - a. Newspaper - printed groundwood newsprint including glossy advertisements and supplemental magazines that are delivered with the newspaper.
 - b. Clear, amber, and green empty, clean glass containers. Plate glass, ceramics, or mirror glass will not be collected.
 - c. Clean tin-coated steel cans.
 - d. Clean aluminum cans and foil.
 - e. Mixed waste paper, including most types of clean and dry paper which fall into high and low grade categories including glossy papers, magazines, catalogs, phone books, cards, laser-printed white ledger paper, windowed envelopes, paper with adhesive labels, paper bags, wrapping paper, packing paper, chipboard such as cereal boxes and shoe boxes, and glossy advertising paper.
 - f. Cardboard - clean corrugated cardboard and kraft paper, including unbleached, unwaxed paper with a ruffled ("corrugated") inner liner. Cardboard does not include chipboard such as cereal boxes and shoe boxes.

*Available in the office of the clerk of the council

g. PET plastics - clean and empty polyethylene terephthalate bottles [Society of Plastics Industry (SPI) code 1], including clear 1- and 2-liter soda bottles, as well as some bottles for liquor, liquid cleaners, and detergents.

h. HDPE plastics - clean and empty high-density polyethylene bottles [Society of Plastics Industry (SPI) code 2] including milk, juice, and water jugs, as well as bottles for laundry detergent, fabric softener, and lotion.

4. Collection schedule. The recyclable materials listed in Subsection A.3 shall be collected at least twice a month on the same day of the week as solid waste collection.

a. The certificated hauler may request an exception to this requirement for all or part of their service area.

b. The request must be submitted in writing to the division and include, at a minimum, the following information: the location of the area affected; the number of customers affected; the alternative collection schedule; and the reasons supporting the request.

c. The division will determine whether to allow the hauler's request based on demonstration that: the number of customers affected is minimized; program participation will not be adversely affected; substantial cost savings will accrue due to the alternative collection schedule; and other information presented in the request.

5. Collection Containers. Containers for recyclables storage shall be provided by certificated haulers to all single family dwellings. The containers may be provided by the certificated hauler by delivering containers to all single family dwelling units in unincorporated service areas. Alternatively, collection containers may be provided on a sign-up basis according to the notification requirements defined in K.C.C. 10.18.040A. Delivery of containers to all single family dwellings is preferable to a sign-up system.

a. The containers shall be sufficient in number and type to hold all recyclables accumulated between collections.

b. The containers must be made of durable materials that will last a minimum seven years under normal use. Plastic materials used in the construction of recycling containers shall be durable, ultraviolet light stabilized and manufactured using recycled or post-consumer materials. Collection containers shall contain a minimum of at least ten percent postconsumer material unless the certificated hauler can demonstrate evidence to the division that such material is unavailable. Plastic bags, or bags made of other material, shall not be used as containers.

c. All containers shall contain information about the proper preparation of materials and include the telephone number and name of the certificated hauler.

d. A container delivery schedule shall be provided to the county at the initiation of the project to allow for coordination of its promotional and educational efforts. Containers will be delivered to program participants at least seven (7) days prior to the initiation of collection. As new areas of service for the collection of single family recyclables and yard waste are established, the container delivery schedule and actual container delivery requirements described herein shall be adhered to by the certificated haulers.

B. Multi-family recyclables collection.

1. Recyclables collection services shall, at a minimum, be available to all multi-family structures or complexes in unincorporated service areas of the county.

2. Participation in these programs shall be voluntary.

3. Materials. At a minimum, all of the recyclable materials listed in Subsection A.3 shall be collected from multi-family structures.

4. Collection schedule. The recyclable materials listed in Subsection A.3 shall be collected at least twice a month on a regular schedule.

5. Collection containers. Certificated haulers shall provide on-site collection containers for recyclables to multi-family structures or complexes on a sign-up basis according to the notification requirements defined in K.C.C. 10.18.040B.

a. The containers shall be sufficient in number and type to hold all recyclables accumulated between collections.

b. On-site containers must be made of durable materials that will last a minimum of seven years under normal use. Plastic bags, or bags made of other material, shall not be used as on-site containers.

c. All containers shall contain information about the proper preparation of materials and include the telephone number and name of the certificated hauler.

d. Containers will be delivered to multi-family structures signed-up for service at least seven (7) days prior to the initiation of collection.

C. Single family and multi-family yard waste collection.

1. Yard waste collection services shall, at a minimum, be available to all single family dwellings and multi-family structures or complexes in unincorporated service areas of the county.

2. Participation in these programs shall be voluntary.

3. Materials. Yard waste collected from single family dwellings and multi-family structures or complexes shall meet the following specifications:

a. With the exception of unflocked Christmas trees, materials larger than two inches in diameter and three feet in length will not be considered yard waste. Unflocked Christmas trees shall be accepted in three foot lengths with no diameter restrictions.

4. Collection schedule. Yard waste shall be collected from single family dwelling units and multi-family structures or complexes at least twice a month during the months of March through November, and at least once a month from December through February. Single family yard waste shall be collected on the same day of the week as solid waste collection.

a. The certificated hauler may request an exception to this requirement for all or part of their service area.

b. The request must be submitted in writing to the division and include, at a minimum, the following information: the location of the area affected; the number of customers affected; the alternative collection schedule; and the reasons supporting the request.

c. The division will determine whether to allow the hauler's request based on demonstration that: the number of customers affected is minimized; program participation will not be adversely affected; substantial cost savings will accrue; and other information presented in the request.

5. Collection containers. Certificated haulers shall offer to provide yard waste containers to single family dwellings and multi-family structures or complexes on a sign-up basis, according to the notification requirements in K.C.C. 10.18.040C.

a. Certificated haulers may require that customers use containers provided by the certificated hauler or allow customers to provide their own containers. An additional fee may be charged to the customers electing to lease a yard waste container from a certificated hauler.

b. Plastic bags shall not be used as containers.

c. Certificated haulers may establish a maximum volume of and/or weight of yard waste that will be accepted for each collection.

D. Requirements for separation of yard waste from refuse.

1. Effective October 1, 1993, containers set out at single family dwellings and multi-family structures or complexes in unincorporated service areas for collection of refuse by certificated haulers shall not contain yard waste.

2. For the period beginning on August 1, 1993, and ending on September 30, 1993, certificated haulers in unincorporated service areas shall attach a tag on any refuse container set out at a single family dwelling or multi-family structure or complex if yard waste is visible within the container. The tag shall cite the requirements for separating yard waste from refuse contained in this chapter and provide information about how to obtain yard waste collection service.

3. Beginning October 1, 1993, certificated haulers in unincorporated service areas shall not collect any refuse container set out at a single family dwelling or multi-family structure if yard waste is visible within the container and shall attach a tag to the container citing the yard waste source separation requirements contained in this chapter and providing information about how to obtain yard waste collection service. Haulers shall also attach a tag to any refuse container from which yard waste becomes visible while the container is being emptied into a collection vehicle.

E. Additional minimum level of service provisions. The following provisions shall apply to the collection services described in Subsection A., B., and C.:

1. If access to potential program participants is restricted, due to impassable road conditions, alternatives to curbside recyclables collection, such as drop site collection, or modified curbside collection services, which, at a minimum, will include collection from the nearest roadway which is accessible by the hauler's collection vehicle, will be provided by the certificated hauler. If the certificated hauler deems the road conditions are impassable by collection vehicles, the hauler will work with customers to determine a mutually agreed upon location for the collection of recyclables and yard waste. If mutual agreement cannot be reached, collection will occur from the nearest roadway which is accessible by the hauler's collection vehicle. This exception shall not apply to impassable road conditions due to severe weather situations. The certificated hauler will report to the county those areas receiving alternative or modified curbside collection services.

2. The certificated haulers shall designate and inform the county and program participants of the holidays that it will observe and the schedule that will be used when a holiday falls on a regular collection day. The certificated hauler shall designate a process for responding to missed collections as a result of inclement or adverse weather conditions.

3. Special recyclables collection services shall be provided for those households where there are handicapped or elderly people who cannot move their recycling or yard waste containers to the curb. Households that qualify for this service will be determined by the certificated hauler.

4. The certificated haulers shall retain ownership of all containers distributed to program participants. Replacement necessitated by normal use or by container damage due to the certificated haulers negligence shall be the responsibility of the certificated hauler. Replacement necessitated by container damage due to program participant negligence shall be at the program participant's expense.

5. The certificated haulers shall use intermediate processing facilities that have obtained all applicable local, state and federal permits. Whenever possible, local markets shall be used to receive recyclables and/or yard waste for purposes of processing, handling or remanufacturing the materials into new products.

6. The certificated haulers shall not under any circumstances dispose of marketable recyclables or yard waste by landfilling or incineration. In addition, in no instance shall unmarketable materials be disposed of at a landfill or other disposal facility outside of King County.

7. The division will discuss any proposed changes with the certificated haulers prior to proposing any amendments to the list of materials to be collected and/or the unincorporated service area boundaries. However, nothing in this chapter shall prohibit a certificated hauler from exceeding the minimum requirements by collecting additional materials or providing collection services to a larger portion of their franchise area. (Ord. 10942 § 2, 1993; Ord. 10446 § 1, 1992; Ord. 9928 § 2, 1991).

10.18.020 Solid waste collection and recycling rates. Certificate holders under chapter RCW 81.77 shall use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to the local comprehensive solid waste management plan, as required by RCW 81.77.

A. It is the county's policy that the certificated haulers include the following elements in the tariffs submitted to the WUTC:

1. A mini-can (10-20 gallon container) rate to reward people who reduce their level of solid waste collection service.

2. A recycling-only rate for program participants who decline solid waste collection service, but participate in recycling programs. Certificated haulers may include a fee to administer billing for this service.

3. A yard waste only rate for program participants who decline solid waste collection service, but participate in a yard waste collection program. Haulers may include a fee to administer billing for this service.

4. Billing that includes the cost of solid waste and recycling collection services on the same statement, as provided by chapter 81.77 RCW.

5. A rate structure designed to provide customers with adequate options and incentives to reduce their level of solid waste collection service as a result of their participation in waste reduction and recycling programs

6. A rate structure that distributes the cost of the single family and multi-family recyclables collection programs among all rate payers in the franchise area where recycling and yard waste services are available.

7. A rate structure for single family yard waste collection services that charges only those customers subscribing to the service. To encourage recycling, the cost of yard waste collection shall be less than a comparable unit of solid waste.

8. The cost to produce and distribute program promotion and educational materials to customers, in accordance with K.C.C. 10.18.040.

9. A monthly administrative fee to compensate the division for the costs of program management and promotional and educational programs. The monthly administrative fee is specified in K.C.C. 10.18.070.

10. Reduced solid waste and recyclables collection rates for eligible elderly and low-income program participants, as permitted by the WUTC.

B. Certificated haulers shall file tariffs, with the Washington Utilities and Transportation Commission (WUTC), with an effective date no later than July 31, 1991, for services related to household recyclables and yard waste collection in the unincorporated service areas as defined in Attachment A, dated April 24, 1991, to Ordinance 10942*. Certificated haulers shall also file tariffs with the WUTC, with an effective date no later than October 1, 1993, for services related to household recyclables and yard waste collection in the unincorporated service areas as defined in Attachment B, dated March 30, 1993 to Ordinance 10942*. It is the county's policy that the rates include all elements specified in Subsection A. of this section and be designed to encourage participation in recyclables and yard waste collection programs, in accordance with the plan.

C. Whenever certificated haulers file tariffs with the Washington Utilities and Transportation Commission (WUTC), it is the county's policy that the certificated haulers include all elements specified in Subsection A. of this section in the tariffs and that an incentive solid waste collection rate structure be used

*Available at the office of the clerk of the council.

(King County 9-93)

rather than a strict cost of service rate structure. An incentive solid waste collection rate structure is one that rewards customers who recycle and includes substantial cost differentials between solid waste collection service levels. The tariffs filed shall include the following percentages of increases between levels of service: a minimum of sixty percent between mini and one can; a minimum of forty percent between one and two cans or equivalent; and a minimum of twenty five percent between two and three cans or equivalent. These percentages should apply to the combined charge to the customer for both solid waste and recyclable materials collection. The WUTC is strongly encouraged to approve tariffs that are consistent with the policies set forth in this chapter, and that meet the minimum percentages specified in this section. (Ord. 10942 § 3, 1993; Ord. 10446 § 2, 1992; Ord. 9928 § 3, 1991).

10.18.030 County notification of WUTC tariff filings. Whenever a certificated hauler files a proposed tariff revision for solid waste, recyclables and/or yard waste collection rates with the WUTC, the certificated hauler shall simultaneously provide the division manager with copies of the proposed tariff and all nonproprietary supporting materials submitted to the WUTC.

A. The certificated hauler shall transmit the proposed tariff to the division manager at least thirty (30) days prior to action by the WUTC.

B. The division will review the proposed tariffs to determine their compliance with the plan and the provisions of this chapter.

C. The certificated haulers shall notify the division within one week after their tariffs are approved by the WUTC. The notification shall specify the rates approved by the WUTC and the effective dates for the rates. (Ord. 9928 § 4, 1991).

10.18.040 Program promotion and education requirements. Certificated haulers shall be responsible for distributing promotional and educational materials for their franchise area and for initial as well as subsequent program promotion as new programs and areas of service are established. Promotional and educational materials are those materials prepared for the purpose of encouraging participation and educating residents about the county's recycling collection programs. Materials shall include, but not be limited to, any or all of the following: brochures, mailings, advertisements, radio and television commercials or public service announcements, and displays.

A. Single family recyclables collection. The certificated hauler shall provide, at a minimum, the following notifications to all single family dwellings within the portion of their franchise area lying within an unincorporated service area.

1. The first notification shall announce availability of service, provide a description of the program, container delivery schedule, recycling hotline phone number(s), and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs. An optional program sign-up card may be included in the first notification.

2. A second notification shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of recyclables to make them acceptable for collection by the certificated hauler, including, but not limited to, cleaning, sorting, and properly locating recyclables for collection. Recycling hotline phone number(s) must also be provided. This notification may be included with delivered containers.

3. Certificated haulers offering collection services on a sign-up basis must continue to notify non-participants of the availability of service at least twice a year until 80 percent or more of all single family dwellings are signed-up for service.

4. The division may also promote the program to residents of single family dwellings.

5. The certificated haulers shall follow the notification requirements listed in this subsection whenever new areas of service and/or new services are added to the single family recyclables collection program.

B. Multi-family recyclables collection. The certificated hauler shall provide, at a minimum, the following notifications to all multi-family building owners and managers for the portion of their franchise area lying within an unincorporated service area.

1. The first notification shall announce availability of service, provide a description of the program, and a sign-up card or phone number to call for service, and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs.

2. A second notification, included with container delivery, shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of recyclables to make them acceptable for collection by the certificated hauler, including, but not limited to, cleaning, sorting, and properly locating recyclables for collection. Recycling hotline phone number(s) must also be provided.

3. Certificated haulers offering collection services shall notify non-participating building owners and managers of the availability of service at least twice a year until 50 percent or more of all multi-family dwellings are signed-up for service.

4. The division may promote the program to both tenants and building managers.

5. The certificated haulers shall follow the notification requirements listed in this subsection whenever new areas of service and/or new services are added to the multi-family recyclables collection program.

C. Single family and multi-family yard waste collection. The certificated hauler shall provide, at a minimum, the following notifications to all single family dwellings and multi-family structures or complexes within the portion of their franchise area lying within an unincorporated service area.

1. The first notification shall announce availability of service, provide a description of the program and requirements for separation of yard waste from refuse, and a sign-up card or phone number to call for service, and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs.

2. A second notification, included with container delivery (if the hauler requires the use of their containers), shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of yard waste to make it acceptable for collection by the certificated hauler. Recycling hotline phone number(s) must also be provided.

3. Certificated haulers shall continue to notify non-participants of the availability of single family yard waste collection services and requirements for separating yard waste from refuse at least twice a year until 60 percent or more of all single family dwellings are signed up for service.

4. The division may also promote the program to residents of single family dwellings and multi-family structures or complexes.

5. The certificated haulers shall follow the notification requirements listed in this subsection whenever new areas of service and/or services are added to the single family and multi-family yard waste collection program.

D. Initial notification requirements for separation of yard waste from refuse.

1. A notification of the requirements for separating yard waste from refuse contained in this ordinance shall be provided no later than August 31, 1993. For non-participants in yard waste collection programs, the notification shall also announce availability of yard waste collection service and shall provide a description of the program, a sign-up card or phone number to call for service, and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs.

2. Before August 1, 1993, the division shall promulgate promotional materials pertaining to the source separation requirements contained in 10.18.010. Promotion may include press releases, direct mailings to affected residents, and distribution of information at county solid waste facilities.

E. All notifications provided by the certificated hauler must be approved by the division. The division shall review notifications for content and accuracy of information, and consistency with materials prepared by the county. Copies of the notifications must be submitted to the division for its review at least three weeks prior to their printing and the division shall return comments within that three week period.

F. King County shall periodically provide the certificated haulers with educational materials to be included with a hauler's mailing or bill. These materials will be designed to encourage participation in the collection programs and to familiarize participants with general waste reduction and recycling concepts. The division and the certificated hauler shall mutually agree upon the number and format of materials to be included in the hauler's mailings. Any material prepared by the division that will be distributed by haulers will be distributed to the haulers for their review three weeks prior to their printing. The hauler shall return any comments on the materials to the division within that three week period. (Ord. 10942 § 4, 1993; Ord. 10446 § 3, 1992; Ord. 9928 § 5, 1991).

10.18.050 Certificated haulers customer service responsibilities. Certificated haulers shall be responsible for all aspects of customer service. Customer service responsibilities shall include, but not be limited to:

A. General program information provided by telephone, brochures, and advertisements:

B. Program sign-up, container delivery and replacement information.

C. Written notification shall be distributed at the point of collection when collection is refused.

The notification shall include, at a minimum, an explanation of the reasons collection was refused.

D. Response to complaints of missed collection. The certificated hauler shall collect the uncollected recyclables within one business day after the complaint is received and verified.

E. Telephone and written response to service complaints. The certificated haulers shall maintain an adequately staffed telephone hotline for their franchise area served by the programs. This number shall be accessible to residents for the purpose of providing program information, and accepting service comments and complaints.

1. The hotline must be capable of responding to a large volume of phone calls. Callers must be able to talk to hotline staff or obtain information through recorded message or an interactive communications system when the hotline phone is not staffed. The callers must also have the option of speaking to hotline staff in less than three (3) minutes during normal business hours. The hotline shall have the capability of recording all calls received when the hotline is not staffed.

2. The hotline phone number(s) shall be clearly shown on the collection equipment and all recyclables and yard waste containers provided by the certificated hauler, included in all mailings, and other publicity materials.

3. The county may publish the hotline phone number(s) on other county materials as part of its education and promotion of the collection programs with prior notification of the certificated hauler. (Ord. 9928 § 6, 1991).

10.18.060 Reporting requirements. A. The certificated hauler shall submit a report to the division on the fifth day of each month beginning May 1991 through July 1991 for the household recyclables and yard waste collection programs established for the service area identified in Attachment A,* dated April 24, 1991, to Ordinance 10942*. The certificated hauler shall also submit a report to the division on the fifth day of each month, for a period of three months, beginning with the first month of service following the provision of services to the service area identified in Attachment B,* dated March 30, 1993, to Ordinance 10942*, and any subsequent expansion of services to new areas and/or the provision of new services. The reports will include an implementation schedule for the program and a written summary of progress made to implement the collection programs for the portion of their franchise area lying within an unincorporated service area. The implementation schedule and report will address but not be limited to: a description of container type, status of container and equipment order and delivery; container delivery to program participants; status and content of tariff submittals to the WUTC; and progress made in program promotion.

B. Certificated haulers shall, on a monthly basis, provide the county with information to evaluate the effectiveness of the programs. The reports will contain monthly, quarterly, and annual data in a format and medium determined by the division. At a minimum, the monthly service reports shall include the following information for each service area and for each service:

1. Weekly and monthly set-out counts by routes, programs and service area. Set-out count is the number of dwelling units that make the contents of their recyclables and/or yard waste collection containers available for collection.

2. Average pounds of recyclables and yard waste collected per set-out.

3. Summaries of tons of all recyclables and yard waste collected, by material.

4. Location of intermediate processing facility(ies) and materials types delivered to these facilities.

5. Summaries of tons of all recyclables sold, by material.

6. Summary of tons of contaminated recyclables and yard waste disposed of at a county solid waste facility, and which solid waste facility received it.

7. For each franchise area located within the unincorporated service areas, as defined by this chapter:

a. The total number of single family solid waste collection customers;

b. The total number of multi-family complexes receiving solid waste collection service, and the number of units within those complexes;

c. The total number of single family dwellings receiving recyclables and/or yard waste collection services;

d. The total number of multi-family complexes receiving recyclables collection services and the location of these complexes.

*Available at the office of the clerk of the council.

(King County 9-93)

8. Summaries of tons of all solid waste collected from all single family dwellings and multi-family structures and which King County solid waste facilities received it.

9. Any significant changes in patterns of usage of King County solid waste facilities, to be reported to the manager of the division 30 days in advance of the change.

10. Log of service complaints received by certificated haulers.

11. Upon the request of the division, the number of households and geographic location of areas receiving alternatives to or modified curbside recyclables collection due to inaccessibility as permitted in K.C.C. 10.18.010D.1.

12. A map at a scale of one (1) inch equals two hundred (200) feet, indicating the areas served and the collection days for each program.

13. Upon the request of the division, the number of customers that received notification tags on refuse containers because they contained yard waste.

14. Upon the request of the division, the number of customers whose refuse containers were not collected because they contained yard waste.

C. Reports shall be submitted to the division by the fifteenth (15th) of each month and will be based on the operation of the programs for the previous month. In addition, annual service reports shall be due within 30 days after the end of the calendar year. In addition to the year end summary of the monthly reporting information, the annual report shall include a summary of program highlights, the effects of changes in services and areas served, problems and measures taken to resolve problems and increase efficiency and participation, an analysis of each program's effectiveness, and an annual tonnage forecast which estimates the total amount of solid waste tonnage for the current year.

D. The certificated haulers shall meet with a representative of the solid waste division at a minimum of once per month, beginning in May 1991. All meetings shall be at the discretion of the division. (Ord. 10942 § 5, 1993: Ord. 9928 § 7, 1991).

10.18.070 County administrative fee. The county hereby imposes a fee, as permitted by RCW 36.58.045, upon solid waste collection service on certificated haulers operating within the unincorporated areas of the county to fund the administration and planning expenses to comply with the requirements in RCW 70.95.090. A monthly administrative fee of twenty-two (22) cents per customer, or its equivalent, shall be collected by the certificated haulers to compensate the division for the costs of program management and promotional and educational programs. The revenue collected through the administrative fee shall be remitted to the division on a quarterly basis on the following dates: April 30, for the quarter of January through March; July 31, for the quarter of April through June; October 31, for the quarter of July through September; and January 31, for the quarter of October through December. A late payment penalty equal to one and one-half percent of the delinquent unpaid balance, compounded monthly, shall be assessed on the delinquent unpaid balance of those accounts in arrears. (Ord. 10446 § 4, 1992: Ord. 9928 § 8, 1991).

10.18.080 County notification of certificated haulers. A. The division hereby notifies the certificated haulers operating in unincorporated urban areas of King County's intent to exercise its authority to contract for source separated recyclables and yard waste collection from residences if the services specified in K.C.C. 10.18.010 are not fully implemented for the portion of their franchise area lying within an unincorporated urban service area by July 31, 1991.

B. In the event that the county exercises its authority to contract for the collection of residential recyclables in unincorporated urban areas the county will select a recycling contractor through a request for proposal process for single family recyclables and yard waste collection and multi-family recyclables collection for the portion of their franchise area lying within an unincorporated urban service area.

1. Recycling contractors shall be selected on the basis of a request for proposal that considers, among other factors, experience, qualifications, and costs.

2. The prevailing wage rate shall be paid to all laborers under these contracts and shall be in accordance with the applicable rules and regulations of the Department of Labor and Industries. (Ord. 9928 § 9, 1991).

10.18.090 Full program implementation. A. The King County executive shall notify the WUTC that the county will exercise its authority to contract for the collection of source separated recyclables from residences of unincorporated urban areas of the county if it is determined that the programs specified in this chapter are not fully implemented. The programs shall be considered fully implemented when the following conditions are met:

1. The certificated hauler has received approval by the WUTC for its tariff filings for recyclables and yard waste services; and,

2. The services are available to all who want service. Customers must be able to receive containers within twenty-one (21) days of a request and receive their first collection within thirty-five (35) days of a request. (Ord. 9928 § 10, 1991).

10.18.100 Severability. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. (Ord. 9928 § 11, 1991).

Chapter 10.20 COMMISSION FOR MARKETING RECYCLABLE MATERIALS

Sections:

10.20.010 Established.

10.20.020 Composition and membership.

10.20.030 Procedures.

10.20.040 Responsibilities.

10.20.050 Funding.

10.20.010 Established. A. Created. There is established a Commission for Marketing Recyclable Materials, hereinafter called the Commission.

B. Purpose. The purpose of the Commission is to establish, enhance and assure utilization of methods for reusing materials which would otherwise be disposed, and in particular to promote use of products manufactured from recycled materials. The Commission shall also recommend policy to King County and other jurisdictions within the county as needed to enhance the development of markets for use of recycled and recyclable materials. The Commission shall emphasize development of local markets.

C. Executive Director. The executive director of the Commission shall be appointed by the director of the department of public works with the advice of the Commission. The executive director shall be an administrative assistant to the Commission. The performance of the executive director shall be evaluated annually by the director of the department of public works and by the Commission. The executive director shall be responsible for management and administration of the Commission. (Ord. 9024 §§ 1-3 (part), 1989).

(King County 9-93)

10.20.020 Composition and membership. A. The Commission shall be composed of 21 members who shall be nominated by the Council, appointed by the executive and confirmed by the King County council. The members shall include representatives of the solid waste collection companies certificated by the Washington Utilities and Transportation Commission, the recycling industry, manufacturers located in King County, chambers of commerce, trade and economic development councils, the City of Seattle, the Port of Seattle, institutions of higher education located in King County, citizen groups with an interest in recycling, at least one King County councilmember, and at least one representative appointed by the President of the Suburban Cities Association.

B. Terms. Appointments to the Commission shall be for three-year terms beginning on July 1 of the year in which the term starts; except that the terms for the initial appointments to the Commission shall be established by lot, five appointments for one year each, five appointments for two years each, and five appointments for three years. If a vacancy occurs, a successor may be appointed in the same manner as for full terms to serve for the remainder of the unexpired term and that appointment shall be subject to reappointment for a full term upon expiration of the original term. (Ord. 9024 § 1 (part), 1989).

10.20.030 Procedures. A. A simple majority of the total number of members shall constitute a quorum. All official actions of the Commission shall require a simple majority vote of the quorum, unless a greater plurality is specified in rules adopted by the Commission.

B. The Commission may adopt operating rules. Unless otherwise specified in this chapter or in rules adopted by the Commission, Robert's Rules of Order shall apply.

C. The Commission shall meet at least monthly.

D. The Commission shall elect officers, who shall include but not be limited to a chair, vice-chair, and secretary.

E. The Commission shall keep minutes of its regular public meetings and records of all official actions.

F. All records of the Commission shall be available for public inspection pursuant to RCW 42.17 at the office of the Commission.

G. The Commission may establish committees from time to time and shall specify at the time of establishment the function and powers of the committees. (Ord. 9024 § 2, 1989).

10.20.040 Responsibilities. A. Budget. The Commission shall submit an annual budget request to the King County executive and council in accordance with the established county budget procedures. All staff positions beyond the executive director must be approved by the King county council through the county budget adoption process and shall be subject to county career service rules.

B. Leases and contracts. The Commission may from time to time enter into any contract or lease with any agency or individual that the Commission deems appropriate for the purpose of carrying out its responsibilities under this chapter, provided that any lease or contract shall be subject to all applicable provisions and procedures of federal, state and county law.

C. Annual report. The Commission shall prepare annually, for publication in July of each year and transmittal the executive, county and public, a report of its budget, activities for the preceding calendar year and goals, policy recommendations and financial plans for the following five year period; except that the first report of the Commission shall be submitted by November 1, 1989, and shall include a proposed 1990 budget and work plan. (Ord. 9024 §§ 3(part), 5, 1989).

10.20.050 Funding. A. Funding for activities of the Commission shall be established by the council after it receives the first report from the Commission as directed in K.C.C. 10.20.040.

B. Grants and private funding. The Commission is authorized to seek grants and private funding to support programs of the Commission. (Ord. 9024 § 4, 1993).

Chapter 10.22 POLICY DIRECTION FOR DEVELOPMENT OF THE KING COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

Sections:

- 10.22.005 General findings.
- 10.22.015 Transfer system, findings and recommendations.
- 10.22.025 Out-of-county waste disposal, findings and recommendations.
- 10.22.035 Waste reduction and recycling, findings and recommendations.
- 10.22.045 Financial policies, findings and recommendations.
- 10.22.055 Timeline for draft plan, findings and recommendations.
- 10.22.065 Minimizing workforce impacts.
- 10.22.075 Interim measures.

10.22.005 General findings. The Metropolitan King County council finds:

A. In 1994, the council denied an increase in rates charged for solid waste disposal that was proposed by the county executive for 1995 through 1998. Partly as a result of the denied rate increase, the council also reduced the executive's proposed 1995 budget for the solid waste division by \$5 million.

B. The proposed rates were designed to implement policies in the adopted 1992 Comprehensive Solid Waste Management Plan (CSWMP). In taking action on the rate proposal, councilmembers noted their desire to reconsider some of these policies.

C. Recognizing that a departure from these policies would require revision of the CSWMP, which would in turn require consultation with suburban cities and other affected parties, the council adopted Motion 9426, which called for a study of key solid waste policies during the first half of 1995, prior to any new rate or budget proposal for 1996. The motion specifically targeted for study policies for the transfer system, possible out-of-county waste disposal, recycling and financial reserves. The study was to be conducted by executive staff in coordination with appropriate council committees, suburban cities and other affected parties.

D. This chapter summarizes the key recommendations of the study approved by the council. Some of the recommendations provide direction for studies in the next update of the CSWMP. Others concern interim measures that the council requests that the executive and the solid waste division take prior to completion of the updated plan.

(King County 9-95)

E. The update of the CSWMP will also be guided by RCW 70.95, K.C.C. 10.24, ongoing direction from the council's Regional Policy Committee, recommendations from the Solid Waste Advisory Committee and suburban city staff, and the results of studies and actions undertaken to implement the 1992 CSWMP. Possible amendments to K.C.C. 10.24 and other chapters of Title 10, consistent with this chapter, may be developed during the process of updating the CSWMP. (Ord. 11949 § 2, 1995).

10.22.015 Transfer system, findings and recommendations. A. The council finds that the county's existing transfer system was largely designed and built in the 1960s and is inadequate to meet anticipated service demands from collection companies and individuals and businesses who self-haul through 2010. A majority of the traffic handled by the current system is from individual self-haulers, who are subsidized by current rates; a large majority of the tonnage handled by the current system comes from customers of collection companies, who largely provide this subsidy. The rate subsidy for self-haulers has been given partly due to fears of illegal dumping, which are real and serious, and partly to long-time service relationships between the county and its customers, which potentially could be modified by added services from collection companies and changed county policies. In order to meet overall tonnage and traffic demands, the 1992 CSWMP proposed a system of facility upgrades in combination with new facilities, including proposed new stations in south King County and the northeast Lake Washington area.

B. Based on these findings, the council directs that the solid waste division study alternatives in the update process for the CSWMP that would reduce or eliminate the need for new transfer facilities. Such a study should include surveying self-haulers to identify their characteristics and needs, working with commercial haulers to identify services they may be able to provide to address these needs cost-effectively (such as expanded collection service for bulky items), and participating in an educational campaign on available collection services and their cost. The study should not include the possibility of eliminating service to self-haulers, an alternative that the council finds in conflict with basic public policy goals of environmental protection and customer service. The study should consider the effect of different alternatives on the division's workforce. It should also include a plan for possible future increases in the minimum fee relative to the tonnage rate charged for disposal, to reduce the subsidy to individual self-haulers and to increase the incentive to subscribe to commercial collection.

C. It is the intention of the county council that relative increases in the minimum fee after 1996 should be linked with findings that commercial companies are committed to establishing new or increased services, or have increased customer use of their existing services. In no case should the minimum fee be made greater than the average transaction cost at county transfer stations, calculated to include an appropriate capital cost for servicing traffic as well as other relevant costs.

D. In order to reduce demands on county transfer stations while not increasing negative impacts on neighborhoods near Cedar Hills Landfill, the solid waste division should study allowing greater direct haul of mixed municipal solid waste to the landfill by collection companies if they can meet operational requirements of the landfill and not increase traffic or traffic-related impacts on nearby neighborhoods. If the results of this study are available prior to completion of the CSWMP update and recommended actions have already undergone all relevant community and governmental review, they may be implemented as soon thereafter as possible. In no case should completion of this study be delayed beyond the adoption of the CSWMP update.

E. At the outset of the process to update the CSWMP, the solid waste division should ask collection companies if they are interested in expanding transfer services at their own existing or new facilities. If one or more companies wishes to pursue such a proposal, the division should carefully consider how such expanded services might be integrated into the region's larger solid waste handling system, which already involves a blend of public and private services. If such an expansion can reduce the overall costs of the solid waste handling system for reasons other than the different wages and benefits received by private employees, without a significant reduction in service to county customers, without imposing a significant burden on neighborhoods surrounding the site for expanded service, without significantly reducing competition between collection companies, with the support of relevant jurisdictions and with the relevant requirements for environmental review having been met, it is the intention of the county council to support such expanded service. The county should, however, establish waste disposal rates and policies in such a manner that customers of county transfer facilities are not, in effect, subsidizing customers of private transfer facilities. (Ord. 11949 § 3, 1995).

10.22.025 Out-of-county waste disposal, findings and recommendations. The council finds that the solid waste division has reviewed options for solid waste export, and that the division has demonstrated that, for a wide range of scenarios, the export of waste prior to the depletion of Cedar Hills Landfill is not the least expensive policy. The council finds, however, that there are a number of questions affecting waste export policy that can best be answered by continued monitoring and analysis, and that it is prudent to undertake planning for waste export at this time, to be in position to go forward with export when conditions warrant. Based on these findings, the council directs the following:

A. At this time, the county should not seek to site a replacement landfill for Cedar Hills and should assume that a replacement landfill will not be built in King County. The updated CSWMP should discuss these policies and should recommend whether they be continued or modified in any way.

B. The policy of King County shall be to monitor and analyze conditions impacting the appropriateness, feasibility and timing of waste export on a continuous basis, and to regularly report to the council on such conditions. When such conditions warrant, and upon council approval, the division shall initiate solid waste export. In preparation, the division shall develop a comprehensive plan for waste export, to be included within the CSWMP. The plan shall be based on a thorough review of a comprehensive solid waste export strategy, and shall include at least the following elements:

1. A process for monitoring changes in export markets, solid waste regulations both at the federal, state and local levels and particularly in jurisdictions which may receive wastes, legal parameters affecting waste export, and solid waste operational issues;

2. A discussion of how existing transfer station facilities will be upgraded to be compatible with waste export, including a strategy for installation of compactors to support efficient long hauling of waste, and consideration of the most effective means of transporting waste from transfer stations to rail lines, such as the development of rail spurs to support such transfer;

(King County 9-97)

3. Developing operational and locational criteria for new transfer stations, including consideration of the proximity of new stations to existing rail lines available for long haul, or consideration of rail spurs for transport to rail lines;
4. Permitting requirements associated with export, and timelines for permitting;
5. Consideration of coordinating export operations with other regional jurisdictions, such as Seattle and Snohomish County;
6. Consideration of a pilot waste export project, and a recommendation as to when such a pilot project would be beneficial. (Ord. 12378 § 1, 1996; Ord. 11949 § 4, 1995).

10.22.035 Waste reduction and recycling, findings and recommendations. A. The council finds that existing county policies for waste reduction and recycling, which were set in 1988, have been valuable for guiding the efforts of King County, suburban cities and the private sector. These policies recognize that successful waste reduction and recycling efforts depend on changing the behavior of individuals and organizations rather than accommodating existing behavior. The policies include waste reduction and recycling goals of 50% by 1995, which should be attained, and of 65% by 2000, which still appears to be attainable. These numeric goals have caused confusion, however, both because they combine the different concepts of waste reduction and waste recycling and because they do not explicitly account for goals other than waste diversion that the county seeks to achieve through its waste reduction and recycling programs.

B. Based on these findings, the council describes the mission of King County's waste reduction and recycling programs as follows: To divert as much material as possible from disposal in a manner which reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy. The county should evaluate its success in achieving this mission through measures that are consistent with the following:

1. The county seeks continuing decreases in the total amount of waste generated and disposed per county resident, acknowledging that this amount is affected by business activities, average household size and other external factors. Improved measures of waste reduction should be developed and proposed in the CSWMP update.

2. The county seeks to recycle additional materials out of its disposal stream at least as long as such action is likely to create a long-term, net economic benefit compared to the costs of disposal. An analysis of the costs and benefits of recycling should include current and projected values for collection, hauling and processing costs and the return in commodity prices for recycled materials versus the current and projected costs of collection, hauling and disposal of the same materials. Improved measures of the net economic costs and benefits of recycling should be developed for targeted materials and proposed in the CSWMP update.

3. Measures of actual recycling collection, both overall and for specific materials, should be improved based on reliable and consistent sources of information, and should be developed and proposed in the CSWMP update.

4. The county should consider possible revisions to its 65% waste reduction and recycling goal for 2000 in the CSWMP update, consistent with the measures developed under subparagraphs B.I. - 3. of this section and the increases in waste reduction and recycling that are anticipated from implementing strategies developed under paragraph C. of this section.

C. The council accepts the current organizational separation of waste reduction and recycling programs in the solid waste division and the King County commission for marketing recyclable materials, but seeks overall county strategies for recyclable materials and their markets that integrate the supply-side strategies of the division with the demand-side strategies of the commission. At a minimum, the council seeks waste reduction and recycling strategies under the following schedule:

1. Recycled office paper--proposal not later than the proposed 1996 budget ordinance.
2. Recycled yard waste--proposal for use of unspent, previously appropriated funds no later than the proposed 1996 budget ordinance; comprehensive proposal no later than the CSWMP update.
3. Recycled wood waste--proposal no later than the CSWMP update.
4. Recycled food waste--proposal in the CSWMP update.
5. Enhanced waste reduction--proposal no later than the CSWMP update.

10.22.035 - 10.22.045

SOLID WASTE

D. The council finds that, by the nature of the county's roles in markets for recycled materials, private companies as well as other governments and private foundations may have an interest in supporting activities undertaken both by the recycling section of the solid waste division and the commission for marketing recyclable materials. Though there almost certainly will remain activities of both agencies that the county will wish to continue funding itself for the foreseeable future, the council supports the efforts of both agencies to seek outside funding that furthers the county's mission in waste reduction and recycling. To this end, the council supports the following:

1. A motion providing criteria for council pre-approval of gifts, bequests and donations to county recycling programs, consistent with K.C.C. 2.80;
2. Adding extra appropriation authority in annual budgets for the commission and the division, provided that this authority can be used only if it is funded by recycling grant or contract revenues of which the council receives prior notification. (Ord. 11949 § 5, 1995).

10.22.045 Financial policies, findings and recommendations. The council finds that the solid waste division maintains two reserve funds, the Landfill Reserve Fund and the Environmental Reserve Fund, and one replacement fund, the Capital Equipment Replacement Fund. Motion 9426 asked that reserves in the account for landfill replacement (within the Landfill Reserve Fund) be considered for possible use in implementing out-of-county disposal; the motion also stated that the financial policy for the Capital Equipment Replacement Fund "should be conservative but the current policy is unnecessarily so and should be revised prior to adoption of a 1996 budget for the division." The performance review requested in K.C.C. 10.22.075 shall include an evaluation of current reserve and replacement fund policies for the division. Based on the study that has followed Motion 9426, the council makes the following recommendations.

A. Landfill Reserve Fund.

1. Using results of the performance review and as part of the CSWMP update, the solid waste division should study possible amendments to K.C.C. 4.08.045E.5, concerning landfill replacement, especially in relation to the costs and timing of possible out-of-county disposal. The executive may recommend such an amendment, or may recommend related actions under existing law, prior to completion of the update. Until the council has acted on such a recommendation, the county should continue to make transfers into the landfill replacement account consistent with Ordinance 11657, which adopted the 1995 budget.

2. The executive is requested to include in his proposed 1996 budget any proposed reorganization of other landfill reserve accounts that may be advisable under state and federal regulations. Transfers to these accounts should be consistent with such regulations and site development plans for the Cedar Hills and Vashon landfills. The executive is requested to transmit for council adoption a proposed site development plan for Vashon by December 1995 and one for Cedar Hills by June 1996.

B. Environmental Reserve fund. At this time, the council proposes no change in the policies guiding this fund, as described in K.C.C. 4.08.160.

C. Capital Equipment Replacement Fund. This council finds that the two primary purposes of this fund are to ensure that adequate funds are available for the cost-effective replacement or major overhaul of existing equipment and to stabilize the affect of these activities on the operating fund and disposal rates. The fund can also provide some protection to the operating budget against the effects of dramatic tonnage decreases if it has a flexible fund balance target and the operating fund is given reserves accrued for

(King County 9-95)

equipment that will no longer be replaced. Based on these findings, the council directs that the executive include in his rate proposal for 1997 a targeted range for this fund balance, taking into account recommendations of the performance review. This range should be proposed as an amendment to K.C.C. 4.08.280, thereby defining what the county shall consider "adequate replacement and major maintenance reserves." (Ord. 11949 § 6, 1995).

10.22.055 Timeline for draft plan, findings and recommendations. The council would prefer that the updated CSWMP be adopted prior to the council's consideration of any proposal for solid waste rates that would go into effect in 1997, but recognizes that this is unrealistic, given the complexity of issues under study, the need for consultation and ultimate agreement with suburban cities, and requirements for review under the State Environmental Policy Act, RCW 70.95, K.C.C. 10.24 and other relevant laws. The council therefore requests that a detailed discussion of those issues in the update of the CSWMP that could significantly affect rates charged for disposal be completed by June 30, 1996. The council also seeks completion of a draft update of the CSWMP no later than December 31, 1996. The council recognizes that these requests will require an adequate 1996 appropriation to meet related planning expenses. (Ord. 11949 § 7, 1995).

10.22.065 Minimizing workforce impacts. Any recommendation from the executive that is based on studies requested in this chapter and that would result in a reduction of employees in the solid waste division shall be accompanied by a plan to minimize adverse impacts on affected represented and non-represented employees. This plan should include a reasonable effort on the part of the county to discuss placement of affected employees in jobs offering similar wages, benefits and working conditions with private companies that may increase employment if these study recommendations are implemented. The plan should also offer privileges for transfers to other county positions that are at least the equivalent of those offered when the county reduces employment due to revenue constraints. If the plan would require amendment of an adopted collective bargaining agreement, the county shall negotiate such amendment with the appropriate union in good faith and at the earliest possible time. (Ord. 11949 § 8, 1995).

10.22.075 Interim measures. A. The solid waste division is directed to continue the deferral of all spending in preparation for possible new transfer stations in south King County and the Northeast Lake Washington area until results are available from the studies requested in 10.22.015.

B. The division should also defer replacement of capital equipment for Cedar Hills Landfill that may be unnecessary should the county pursue out-of-county disposal of some of its waste, if maintenance of this equipment can meet operational and safety needs prior to the initiation of a waste export contract or a decision not to pursue one.

C. The council recognizes that some capital improvements at existing transfer stations are necessary before completion of the CSWMP update to address safety, efficiency or other known problems that remain compelling no matter which options for the transfer and disposal system are ultimately chosen in the CSWMP. These improvements should be implemented promptly, consistent with any required environmental review.

D. The executive is requested to include within the proposed 1996 budget of the solid waste division in a proposal that ensures those funds remaining in the Waste Reduction/Recycling grant program will continue to be distributed to suburban cities in 1996, and maintains the current level of funding for the City Optional Program to encourage recycling.

E. The executive is requested to transmit a proposal to increase the minimum fee and the regional direct charge for solid waste disposal for implementation January 1, 1996. The minimum fee increase should be at least one (1) dollar; the proposed increase in the regional direct charge should reflect an equitable allocation of costs associated with providing transfer services to the general public.

F. By September 15, 1995, the solid waste division is directed to issue a Request for Proposals for a performance review, to be overseen by a steering committee that includes representatives from the council and suburban cities and to have a scope of work substantially as shown in Attachment A to Ordinance 11949*. Final results of the performance review, including strategies proposed by the executive to implement its recommendations, should be transmitted to the council no later than June 30, 1996.

G. The executive is encouraged to pursue interjurisdictional agreements that benefit all ratepayers. (Ord. 11949 § 9, 1995).

Available at the office of the clerk of the council.

(King County 9-95)

Chapter 10.24
SOLID WASTE MANAGEMENT PLAN

Sections:

- 10.24.020 Responsibilities.
- 10.24.030 Plan contents.
- 10.24.040 Hazardous Waste Management Plan.
- 10.24.050 Solid Waste Management Plan Adoption.
- 10.24.060 Solid Waste Management Plan 1992-Adoption.

10.24.020 Responsibilities. A. The division shall prepare the plan and submit it to the council of King County on or before March 1, 1989, for adoption.

B. The division shall maintain the plan in a current condition and shall propose necessary plan revisions to the council at least once every three years.

C. The King County Solid Waste Advisory Committee shall review and comment upon the proposed plan prior to its submittal to the council for adoption.

D. The designated interlocal forum shall have the following responsibilities:

1. Advise the King County council and executive and other jurisdictions as appropriate on all policy aspects of solid waste management and planning. Consult with and advise the King County solid waste division on technical issues.

2. Review and comment on alternatives and recommendations for the county comprehensive solid waste management plan and facilitate approval of plan by each jurisdiction.

3. Review proposed interlocal agreements between King County and cities for planning, recycling, and waste stream control.

4. Review disposal rate proposals.

5. Review status reports on waste stream reduction, recycling, energy/resource recovery, and solid waste operations with interjurisdictional impact.

6. Promote information exchange and interaction between waste generators, local governments with collection authority, recyclers, and county planned and operated disposal system.

7. Provide coordination opportunities between King County solid waste division, local governments, private operators and recyclers.

8. Aid cities in recognizing municipal solid waste responsibilities, including collection and recycling, and effectively carrying out those responsibilities.

E. The council shall hold a public hearing on the draft plan and another public hearing on the final plan prior to adoption of the plan. Any city using county disposal sites shall be notified of these public hearings and shall be requested to comment on the plan.

F. Until adoption of the plan by ordinance of King County, the 1982 Comprehensive Solid Waste Management Plan prepared by the Puget Sound Council of Governments shall be used as the solid waste management plan for King County.

G. Beginning in 1989, the division shall submit to the council by September 1 of each year an annual report of its progress toward objectives identified in the plan.

H. Interlocal agreements between the county and cities wishing to plan jointly with the county or to authorize the county to plan for it shall identify which party is responsible for city solid waste operational plans, tonnage forecasts, and recycling goals. (Ord. 8771 § 8, 1988: Ord. 8365 § 2, 1987: Ord. 8098 § 2, 1987: Ord. 7737 § 2, 1986).

10.24.030 Plan contents. The plan shall include the following: A. Goals for solid waste management in King County, including a goal to achieve maximum feasible reduction of solid waste going to landfills and other processing facilities, conservation of energy and natural resources, and environmental protection. The plan shall include measurable objectives for achieving this goal, including but not limited to the following:

1. Annual tonnage projections;
2. Five, ten and twenty year plans for waste reduction through recycling and waste reduction incentives, packaging changes, source separation, and waste processing alternatives, and other methods deemed effective by the division; and

3. Analysis of alternative waste reduction and disposal methods showing the impact of each on landfill capacity, energy consumption, natural resource consumption, and environmental quality.

B. A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies, including operating efficiencies and public service needs, in meeting current solid waste handling needs.

C. The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

D. A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

1. Meet the minimum functional standards for solid waste handling adopted by the State of Washington Department of Ecology and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

2. Take into account the comprehensive land use plan of each jurisdiction;

3. Contain a six year construction and capital acquisition program for solid waste handling facilities; and

4. Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

E. A program for surveillance and control.

F. A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

1. Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business, the area covered by his operation and rates charged in comparison to disposal costs;

2. Any city solid waste operational plan, including boundaries and identification of responsibilities;

3. The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

4. The projected solid waste collection needs for the respective jurisdictions for the next six years;
5. Analysis of operating economics, travel distances and economically optimal locations of disposal sites;
 - G. A review of potential areas that meet the (siting) criteria as outlined in RCW 70.95.165.
 - H. Any other requirements prescribed by the State of Washington.
 - I. Any other analysis which will be useful to fulfilling the goals set forth in the plan. (Ord. 7737 § 3, 1986).

10.24.040 Hazardous Waste Management Plan. A. The division shall prepare a hazardous waste management plan for unincorporated King County and submit it to the council of King County no later than January 1, 1990 for adoption. The hazardous waste management plan may either be incorporated into the Plan or be prepared separately.

B. The executive is authorized to enter into interlocal agreements with any cities in King County which wish to plan jointly with King County for moderate risk waste management, provided that such agreements require that any jurisdiction contracting with the county for moderate risk waste planning which must designate hazardous waste zones within its boundaries pursuant to RCW 70.105.225 shall so designate by April 1, 1988. Any jurisdiction wishing to plan jointly with King County must either include this plan in the terms of its interlocal agreement pursuant to K.C.C. 10.24.020, K.C.C. 10.08.050 and K.C.C. 10.08.130 or submit a letter of intent to the county by October 1, 1987.

C. In preparing the hazardous waste management plan, the division shall consider cooperative efforts with adjacent counties and shall prepare a regional plan to the extent practicable.

D. The King County council finds the Seattle-King County Local Hazardous Waste Management Plan Final Environmental Impact Statement issued August 1989 is adequate for purposes of making a decision to adopt the Local Hazardous Waste Management Plan for Seattle-King County.

E. The 1989 Local Hazardous Waste Management Plan for Seattle-King County as amended by the Plan Addendum of the Solid Waste Interlocal Forum Resolution 90-001, is hereby adopted. (Ord. 9697 §§ 1-2, 1990: Ord. 8098 § 3, 1987).

10.24.050 Solid Waste Management Plan Adoption. The King County council finds the King County Comprehensive Solid Waste Management Plan Final Environmental Impact Statement issued July 14, 1989 is adequate for purposes of making a decision to adopt the King County Comprehensive Solid Waste Management Plan. The 1989 King County Comprehensive Solid Waste Management Plan is hereby adopted as amended by Attachment A of the Solid Waste Interlocal Forum Resolution 89-005. (Ord. 9471, 1990).

10.24.060 Solid Waste Management Plan 1992-Adoption. A. The 1992 Comprehensive Solid Waste Management Plan was prepared in accordance with the requirements of RCW 70.95 that each county within the state, in cooperation with the various cities located within such county, prepare and periodically update a coordinated, comprehensive solid waste management plan.

King County is designated the solid waste planning authority for all of the cities in the county except Seattle and Milton, as well as the unincorporated areas of the county, under the terms of the Solid Waste Interlocal Agreement.

In July 1992, King County issued a Determination of Significance and Adoption of Existing Environmental Document, adopting the Final Environmental Impact Statement for the 1989 King County Comprehensive Solid Waste Management Plan, and an addendum. Taken together, these documents meet the requirements of the State Environmental Policy Act for the environmental review of the 1992 King County Comprehensive Solid Waste Management Plan, which is a revision of the 1989 plan.

The cities that are signatories of the Solid Waste Interlocal Agreement are in the process of adopting the 1992 Comprehensive Solid Waste Management Plan.

B. The King County council finds that the Determination of Significance and Adoption of Existing Environmental Document and Addendum issued July 1992 is adequate for purposes of making a decision to adopt the 1992 Comprehensive Solid Waste Management Plan as a revision of the 1989 plan. The final 1992 Comprehensive Solid Waste Management Plan is hereby adopted. (Ord. 11171 § 1-2, 1993).

Chapter 10.28
SOLID WASTE ADVISORY COMMITTEE

Sections:

- 10.28.010 Establishment.
- 10.28.020 Composition.
- 10.28.030 Scope and charge.
- 10.28.040 Membership.
- 10.28.050 Administrative support.
- 10.28.060 Compensation.

10.28.010 Establishment. The King County Solid Waste Advisory Committee is hereby established to be comprised of a county-wide group of representatives of citizens, public interest groups, business, the waste management industry and local elected public officials to provide for coordination and information exchange between the groups about solid waste issues and to provide on-going public input and advice to King County on solid waste management issues. (Ord. 6862 § 1, 1984).

10.28.020 Composition. The King County Solid Waste Advisory Committee shall be composed of at least nine and not more than fifteen members representing a balance of interests among the groups listed in Section 10.28.010. (Ord. 9086, 1989: Ord. 6862 § 2, 1984).

10.28.030 Scope and charge. A. The King County Solid Waste Advisory Committee shall advise and make recommendations to the county executive on matters within their scope and charge.

B. The scope and charge of the King County Solid Waste Advisory Committee shall be to:

1. Advise King County on all aspects of solid waste management planning;
2. Assist King County in the development of programs and policies concerning solid waste management;
3. Review and comment on proposed solid waste management rules, policies, or ordinances prior to their adoption. (Ord. 6862 §§ 3-4, 1984).

10.28.040 Membership. A. Regular members shall be appointed by the county executive subject to confirmation by county council motion. The executive shall be able to appoint non-voting ex-officio members who shall serve at the executive's discretion.

B. Members may be reappointed to serve consecutive terms. Reappointment shall be subject to confirmation by county council motion.

C. Members shall serve a term of three (3) years or until their successor is appointed and confirmed as provided in this chapter. The terms of office shall be staggered consistent with the provisions of K.C.C. Chapter 2.28.

D. A vacancy shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment.

E. A majority of the committee shall elect one of its members as chair. The term of the chair shall be for one year. (Ord. 6862 §§ 5-9, 1984).

10.28.050 Administrative support. Ongoing administrative support to the committee shall be provided by the solid waste division manager. (Ord. 6862 § 10, 1984).

10.28.060 Compensation. Members of the committee shall serve without compensation. (Ord. 6862 § 11, 1984).

Chapter 10.30
CONSTRUCTION, DEMOLITION, AND LAND CLEARING WASTE

Sections:

- 10.30.010 Purpose and Findings.
- 10.30.020 Designation of CDL Receiving Facilities.
- 10.30.030 Enforcement Authority -- Inspections.
- 10.30.040 Enforcement.
- 10.30.050 Tip Fee Surcharge.
- 10.30.200 Severability.

10.30.010 Purpose and Findings. A. Statement of Purpose. The purpose of this chapter is to assure that there will be a CDL disposal facility to serve King County, that the Cedar Hills Landfill may continue to be dedicated to receiving mixed municipal solid waste (MMSW), and that CDL disposal is subject to King County's strict environmental controls.

B. Findings. Based on the testimony of King County personnel and members of the public, and on other evidence, information, documents and materials submitted to and reviewed by the King County council, the King County council makes the following Findings of Fact:

1. Construction, demolition and land clearing (CDL) waste is generated by construction and demolition companies that clear land and build, remodel or demolish structures. Historically, CDL waste in King County has been disposed of at demolition waste landfills operated by the private sector, which have since closed. The adopted 1989 King County Comprehensive Solid Waste Management Plan (the "1989 Plan") examined the need to plan and permit one or more new facilities for disposal and recycling of CDL. The 1989 Plan and supporting environmental impact statement examined in detail the viability and environmental impacts of three alternatives.

2. Under the 1989 Plan, the county recommended that non-recyclable CDL waste be managed by qualified, competitively selected private contractors and promoted increased waste reduction and recycling of CDL waste.

3. These recommendations were presented in the 1989 Plan because no private sector initiatives for handling non-recyclable CDL Wastes had emerged due to problems with siting new facilities, public opposition, and financial uncertainty. Additionally, the uncertainty of provision of long-term disposal facilities by the private sector and the anticipated closure of the two privately owned CDL disposal sites in operation necessitated King County action in initiating a new disposal facility.

4. The public-private partnership implemented by the selection of two private contractors to dispose of CDL waste is a responsive solution to the CDL disposal crisis. It is the alternative that most practically meets King County's goals for the CDL waste stream: predictable, environmentally sound disposal of all non-recyclable CDL waste; preservation of the capacity of the Cedar Hills Landfill for MMSW; and reduction of the amount of CDL waste requiring disposal through increased recycling. King County would like to provide more than one disposal option for CDL waste in order to equalize their distribution around the county, so that no single area of the county will be required to absorb an undue share of the impact from these facilities, and to encourage competitive disposal rates.

5. Future projections of increasing quantities of CDL waste necessitate a CDL disposal facility designated to serve King County. The solid waste division has estimated future CDL waste quantities for the next 20 years. The mid-range CDL waste volume for the time periods 1991 through 2000 and 2001 through 2010 is estimated to be approximately 1.3 million and 1.2 million cubic yards per year, respectively. High-range estimates are 1.6 and 1.5 million cubic yards per year.

6. Currently, pursuant to K.C.C. 10.12.065, land clearing waste and demolition debris loads over 1500 pounds are prohibited at any King County solid waste handling facility because of handling difficulties.

7. King County inventoried disposal facilities in 20 Washington counties. Many out-of-county disposal facilities would not accept King County CDL waste because the facilities are owned by municipalities that have waste flow ordinances or firm policies prohibiting acceptance of King County CDL waste.

8. Independent, self-haul out-of-county disposal of CDL waste is made impracticable by long distance hauling. Round-trip haul times in excess of 2 hours have an adverse effect on the productivity and economic viability of CDL business. Furthermore, there are numerous indirect effects of long haul times, such as traffic congestion, increased accident potential and pollution, and wear and tear on a greater portion of the state's highway system. The number of demolition trucks on King County roads has doubled due to longer haul times resulting from the closure of privately operated CDL disposal sites in King County.

9. King County lacks the jurisdiction to regulate out-of-county landfills that are not associated with King County either jurisdictionally or contractually. These facilities are therefore not subject to King County's control regarding environmentally sound management practices.

10. On August 31, 1990, King County responded to the closure of the last privately owned CDL landfill in King County by amending its waste acceptance policy by emergency public rule PUT 7-1, and later PUT 7-3, to provide some CDL waste handlers with a local waste disposal option at Cedar Hills Landfill only until private vendor services are available. Continued disposal of CDL waste would increase the annual quantity of solid waste deposited at Cedar Hills Landfill by approximately 13 to 37 percent. For combined MMSW and CDL waste it is estimated the Cedar Hills Landfill would reach capacity by 2015 at the latest, or 7 years sooner than if disposal at the Cedar Hills Landfill was restricted to MMSW only.

11. Continued disposal of CDL waste at the Cedar Hills Landfill would result in significant operational impacts. The 1987 levels of landfill-bound traffic would more than double, increasing from approximately 500 to 1,000 vehicles per day. The increase in the size of the operating face of the landfill would necessitate longer operating hours, and substantial additional equipment and staff. Noise levels would increase and the need for additional financing for equipment and staff would likely result in rate increases. The bulky nature of CDL waste would create difficulty in achieving full daily cover and increase the likelihood of differential settlement and of damage to the landfill liner and gas extraction system.

12. The Cedar Hills Landfill was eliminated from consideration as an alternative CDL disposal site because of the public need for its use as a regional MMSW disposal facility and because of the significant adverse operational impacts that would result.

13. Other King County-operated landfills are not acceptable alternatives for CDL disposal. Transfer stations have now replaced all of the smaller rural landfills, with the exception of the sites on Vashon Island and Hobart. Neither of these can accept the anticipated volumes required for CDL disposal.

14. Most of King County's six transfer stations were built in the 1960s and were designed to accommodate smaller volumes of waste and smaller trucks than they now handle. The volume of CDL waste taken to transfer stations has increased over time due to the closure of CDL disposal facilities. CDL waste intensifies transfer station operational problems and has damaged transfer station equipment.

(King County 9-93)

15. Vehicles carrying CDL wastes may exacerbate traffic conditions at King County's transfer stations. Increased queuing times due to disposal of CDL waste at transfer stations may promote illegal dumping.

16. An alternative CDL disposal site other than the Cedar Hills Landfill should be provided to limit illegal dumping. In early 1990, in the few months following the closure of the largest privately owned CDL disposal site in King County, the King County solid waste division received over 600 calls from CDL waste generators regarding CDL debris. In general, the calls received concerned complaints about the lack of disposal facilities, inquiries regarding an alternate resource for CDL disposal and reports of illegal activities associated with unlawful dumping or littering. The lack of nearby CDL disposal facilities and resultant increase in disposal costs promoted illegal dumping.

17. King County is committed to CDL waste reduction and recycling and to the environmentally sound disposal of CDL waste that cannot be recycled. King County-controlled procurement of privately operated facilities will make CDL recycling mandatory and will ensure that the disposal of CDL waste will comply with King County's environmental standards. All contractor disposal facilities must be located, designed, constructed and operated to meet the requirements of Washington State Minimum Functional Standards (MFS) for mixed municipal solid waste landfills in non-arid areas and any other environmental or relevant standards. At a minimum, it is expected that vendor processing facilities would be able to recover 25% of the mixed CDL waste stream remaining after source-separated concrete and asphalt and compostable land clearing waste have been removed.

18. The exclusive use of designated CDL receiving facilities for non-recyclable CDL waste generated within King County will improve future planning for CDL management. Vendors under contract to King County will be required to keep detailed records of incoming and outgoing materials. Vendor records will allow the county to create a data base on the CDL waste stream that will enable King County to more accurately plan for the future disposal needs of non-recyclable CDL waste.

19. Vendors under contract to the county are required to have the capability to process incoming loads of CDL waste to remove recyclable CDL material and are not allowed to dispose of recyclable material for which the county determines a market exists. In addition to contractual requirements for recycling, the solid waste division will implement an educational program and provide technical assistance to encourage CDL waste generators to practice waste reduction and source separation. The record-keeping requirements placed on vendors operating designated CDL facilities will provide specific CDL waste stream data, enabling King County to establish appropriate CDL recycling goals and improve technical assistance rendered to CDL recyclers. (Ord. 10916 § 1, 1993).

10.30.020 Designation of CDL Receiving Facilities. A. The following facilities, which are owned and operated by vendors with which King County has contracts for CDL handling, or alternative facilities, pursuant to this section, are hereby designated as the CDL receiving facilities for all non-recyclable CDL waste generated in unincorporated King County and in any jurisdiction with which King County has an interlocal agreement for solid waste management.

1. Regional Disposal Company facilities:
 - a. Rabanco Recycling and Waste Reduction Center, 2733 Third Avenue South, Seattle

b. Regional Disposal Company Black River Transfer and Recycling Facility, Monster Road, Renton

2. Waste Management, Inc. facilities:

a. Eastmont Transfer Station and Material Recovery Facility, 7201 West Marginal Way, Southwest, Seattle

b. Seattle Intermodal Facility (Argo Yard), 5000 Denver Avenue South, Seattle

Any additional CDL receiving facilities will be identified by amendment of this chapter.

Beginning September 1, 1993, all generator, handlers, and collectors of CDL waste shall deliver or ensure delivery of all non-recyclable CDL waste generated within the county's jurisdiction to a designated CDL receiving facility, or backup facility specified by the county in a manner specified by the manager.

B. The manager or his/her designee is authorized to assure that vendors remain in compliance with all terms of King County's contract(s) for CDL waste handling services. If the manager determines the contractor is not in compliance with the contract, the manager will notify the executive and the council, and may designate an alternative CDL receiving facility during the period of noncompliance.

C. Recyclable CDL waste may be transported to any CDL recycling facility or to a recycling market within or outside of King County provided it contains non-recyclable CDL waste in amounts not exceeding ten percent (10%) of total weight per load.

D. Mixed CDL waste shall be taken only to a designated CDL receiving facility, or backup facility, or a CDL recycling facility located in King County to the extent permitted by applicable law; provided that, if mixed CDL waste is taken to a CDL recycling facility, all residual CDL waste must be taken to a designated CDL receiving facility or backup facility designated by the county.

E. Notwithstanding subsections A, B, C, and D, the county may continue to accept small quantities of CDL waste at its solid waste handling facilities as permitted by county ordinance or public rule; but only where such small quantities of CDL waste are transported by private vehicles with gross weights not to exceed 8,000 pounds, or are contained in loads of mixed municipal solid waste and do not exceed ten percent (10%) of the load by weight.

F. The county guarantees no minimum volume of non-recycled CDL waste to be delivered to the CDL receiving facilities. The county intends and expressly reserves the right to encourage reductions in the waste stream through increased recycling. (Ord. 11885 § 1, 1995: Ord. 10916 § 4, 1993).

10.30.030 Enforcement Authority -- Inspections. A. The manager or his/her designee(s) is authorized and directed to enforce the provisions of this chapter in accordance with applicable federal law.

B. The manager or his/her designee(s) is authorized to make lawful inspections of the premises or vehicles of any person suspected of violating K.C.C. 10.30.020 and to inspect the books and records related to the subject of this chapter. All inspections shall be performed in compliance with applicable federal, state, and local laws. No notice shall be required for these inspections unless required by law. (Ord. 11885 § 2, 1995: Ord. 10916 § 5, 1993).

10.30.040 Enforcement. A. Penalties for non-compliance. Any person who violates this chapter or any rules and regulations adopted thereunder, or who, by any act or omission, aids or abets such violation shall be subject to civil penalties as provided in this chapter. Authority is provided through K.C.C. 23.08.090 for assessment of civil penalties under Chapter 23.12 K.C.C.

1. In addition to any other sanction or remedial procedure which may be available, including the sanctions listed in K.C.C. 10.08.110, any person violating or failing to comply with any provision of K.C.C. 10.30.020 shall:

a. On the first violation:

(1) Pay to the county, a civil penalty which is equal to, according to the highest scheduled price at any CDL receiving facility, the amount that would have been owed to the owner/operator of such facility had the CDL waste been delivered to such CDL receiving facility as required; and in addition

(2) Pay to the county a civil penalty of \$1,000.00; and in addition

(3) If the actual cost to the county of investigating and bringing the enforcement action exceeds \$1,000.00, the county may impose an additional civil penalty equal to such costs.

b. On the second violation, pay double the amounts set forth in Subsections A.1.a(1), (2), and (3).

c. On the third and subsequent violations, pay treble the amounts set forth in Subsections A.1.a(1), (2), and (3).

2. Amounts paid pursuant to Subsection A above shall be divided as follows:

a. The contractor shall be reimbursed the amount paid to the county under A.1.a(1). If two contractors are in operation at the time of the violation, this amount shall be divided equally among them; and

b. The county shall retain the amounts collected in Subsections A.1.a(2) and A.1.a(3).

B. Additional enforcement. Notwithstanding the existence or use of any other remedy, the manager or his/her designee(s) may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any provision of this chapter. (Ord. 10916 § 6, 1993).

10.30.050 Tip Fee Surcharge. A surcharge of \$4.25 per ton is imposed on CDL wastes generated in the county's jurisdiction and delivered to CDL receiving facilities for the purpose of funding the division's costs to manage the CDL disposal program and enforce the provisions of the CDL vendor contract and this chapter. The contractor shall remit all surcharge amounts and receipts to the solid waste division on a monthly basis. The contractor shall provide to the county upon request any information necessary to verify the collection and remittance of the surcharge. (Ord. 10916 § 7, 1993).

10.30.200 Severability. If any section, sentence, clause or phrase of this chapter should be held invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter. (Ord. 10916 § 8, 1993).

(King County 9-95)